H.R. 755—ESTABLISHMENT OF A NATIONAL CEMETERY IN MERCED COUNTY, CA, AND H.R. 757—EXPANSION OF THE NATIONAL CEMETERY SYSTEM

HEARING

BEFORE THE

SUBCOMMITTEE ON
HOUSING AND MEMORIAL AFFAIRS

OF THE

COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES

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H.R. 755—ESTABLISHMENT OF A NATIONAL CEMETERY IN MERCED COUNTY, CA, AND H.R. 757—EXPANSION OF THE NATIONAL CEMETERY SYSTEM

THURSDAY, MARCH 14, 1985

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 334, Cannon House Office Building, Hon. Richard Shelby (chairman of the subcommittee) presiding.

Present: Representatives Shelby, Mollohan, Smith of New Jersey, Sundquist, and Bilirakis.

OPENING STATEMENT OF CHAIRMAN SHELBY

Mr. SHELBY. The subcommittee will come to order.

This morning we are meeting to hear testimony on two pieces of legislation pending before the subcommittee. The first, H.R. 757, would provide for the orderly expansion of the national cemetery system.

Interments in all national cemeteries have generally increased each year since establishment; and during the next 15 years, veteran deaths in the Nation will continue to increase annually. The projected peak period is estimated at between the years 2000 and 2015, at which time the age 65-and-over veteran group will increase from its present level of about 4 million to about 9 million people.

This bill, H.R. 757, requires the Veterans' Administration to submit in its yearly budget request a 5-year plan for the construction and expansion of the national cemetery system, a list, in order of priority, of the 10 geographic areas in the United States in which the need for additional burial space for veterans is greatest, and related projected costs.

This measure would also require the placement of upright headstones in national cemeteries. As it is not the committee's intention to restrict a veteran or his family to a particular type of gravemarker, provision has also been made to accord a choice by designating certain portions of national cemeteries for use of flat markers. This provision passed the House last year but was not acted upon by the Senate. Hopefully, we can move it all the way through this year.

The second bill, H.R. 755, directs the Administrator to establish a national cemetery in Merced County, CA.

Nationally, California ranks first in veteran population with a total of 2.9 million veterans. This represents 10.6 percent of the total national veteran population. In order of magnitude, therefore, northern California has been identified as the area of the country most in need of a national cemetery.

The Veterans' Administration has two sites under consideration—a 150-acre tract of land at the Camp Parks Reserve Forces training area in Dublin, and a 350- to 500-acre parcel privately owned in Merced County near the San Luis Reservoir which is available at no cost to the Government.

Although the Veterans' Administration has identified Camp Parks as their primary choice, there are several problems associated with this site:

First, there is a hold on excessing the 150 acres at Camp Parks by the Subcommittee on Military Facilities and Installations of the Armed Services Committee, and it is not certain that even if excessed, the land would go to the Veterans' Administration as there are several other interested parties.

Second, 150 acres is not enough land to establish a cemetery of the magnitude needed in northern California. Assurances of more land would be necessary.

Third, a recent OMB ruling states that Federal agencies must pay the General Services Administration the fair market value of excessed Government property.

Frankly, I don't support paying for land when an alternative site is available at no cost to the Government. In addition, Congress as a whole does not support the purchase of land by one Federal agency from another. The Armed Services Committee set a recent precedent by denying the Air Force and other agencies money to purchase property in three separate cases.

As many of you know, the fiscal year 1986 budget allocates $6 million for land acquisition costs for the establishment of a national cemetery in northern California. The committee recommended in its budget report to the Budget Committee that these funds be used in conjunction with the development of land and other such planning costs as may be necessary for the establishment of such cemetery in Merced County, CA.

I first want to recognize the ranking member, the gentleman from New Jersey, Mr. Smith.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH

Mr. SMITH of New Jersey. Thank you, Mr. Chairman.

I would like to thank you first of all for calling this important hearing. In death as in life, we have a responsibility to uphold the honor of our Nation's veterans. There is a certain special dignity in an upright marker as anyone who has visited a magnificent cemetery such as Arlington can testify. In addition, providing a veteran's family with a choice of marker seems only fair in light of the sacrifice their loved ones made for his or her Nation.

H.R. 757 accomplishes both of these goals, Mr. Chairman, and I look forward to today's testimony as we carefully consider the ap-

propriate means to ensure that these graves are marked in a dignified manner.

H.R. 757 also requires the VA to submit a report on construction and expansion of national cemeteries. I support this proposal, Mr. Chairman, for a 5-year plan for construction and expansion, and a list of the top 10 geographical priorities for additional burial space will greatly enhance our ability to meet the burial needs of our veterans.

H.R. 755, the other bill which we are considering today, would direct the Administrator of the VA to establish a national cemetery in Merced County, CA. It is my understanding that the land is currently available to the VA in this area and would meet the desperate need for additional burial space in northern California. I lend my support to this bill, also.

I look forward to the opportunity to question our witnesses today and thank them for taking the time to appear before this committee.

Mr. SHELBY. Does the gentleman from Tennessee have any statement?

Mr. SUNDQUIST. No statement.

Mr. SHELBY. The gentleman from Florida?

OPENING STATEMENT OF HON. MICHAEL BILIRAKIS

Mr. BILIRAKIS. Yes; I usually have a statement. Thank you.

Last year during our hearings on cemetery legislation the major veterans' organizations testified in opposition to the present ban against upright gravemarkers in our national cemeteries. Mr. Chairman, I know many of us in the Congress are also unhappy with the ban and have heard from our veteran constituents about this matter as well.

However, it also became apparent to me that while many people prefer upright markers, some prefer the flat markers presently being used. As I see it, the issue is really one of choice. I offered an amendment in committee last year, if you will recall, Mr. Chairman, which would give veterans and their families that choice. Although the amendment was agreed to, and the bill subsequently passed by the House, the Senate failed to act on the measure prior to the close of the last Congress.

I was very pleased, therefore, when you and the ranking Republican on this subcommittee, Mr. Smith, incorporated my amendment into the bill before us today, H.R. 757. Section 2 of that bill provides for upright markers in our national cemeteries unless a veteran or his family requests flat markers. In such cases, the choice of the veteran or his kin will prevail. Veterans and their families deserve to have a choice, I think, of gravemarkers for burial in a national cemetery, just as those who are buried in private cemeteries have a choice. H.R. 757 lifts the present ban against upright markers while avoiding an equally restrictive and potentially more costly ban on flat markers.

I believe this bill offers the most practical and sensible solution to the present dilemma and I look forward to the testimony of our witnesses on this portion of H.R. 757 as well as on the other issues before us this morning.

Thank you, Mr. Chairman.

Mr. SHELBY. Does the gentleman from West Virginia have any statement?

Mr. MOLLOHAN. Thank you, Mr. Chairman. No; I don't.

Mr. SHELBY. Our first witness will be our colleague, Hon. John McCain III, a Member of Congress from the First District of Arizona. John, you have testified before this committee on this same subject before. I want to say I appreciated the opportunity to hold a hearing in your district, in the capital of Arizona, back in the fall regarding a cemetery for the veterans of Arizona. We had a good turnout and hopefully something will come out of it.

STATEMENT OF HON. JOHN McCAIN III, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. MCCAIN. Thank you, Mr. Chairman. I have a written statement I would like to submit.

Mr. SHELBY. Your written statement will be submitted to the record in its totality, without objection.

Mr. MCCAIN. Thank you, Mr. Chairman, and members of the committee. I will make my remarks very brief.

First of all, I would like to again thank the chairman for taking his valuable time, and that of his staff, to come to my home State of Arizona and very graciously listen to the concerns of the leaders of our veterans' groups throughout the State. It meant a great deal to them, and it meant a great deal to me, as well as the veterans of the State of Arizona, that you would have this kind of interest in the veterans in our State. I am very appreciative of it.

I also would like to thank you, Mr. Chairman, and Congressman Smith, for proposing this legislation, H.R. 757, which I would like to make my comments about.

As most of us are aware, there is a study concerning a regional system which was conducted by the VA which has been hung up in OMB for some inordinate length of time. I am not here to comment on the reasons for that, but I think that that study indicates, as we all know, that the regional system, due to shifts in population in this country, is not serving the needs where the needs are greatest. In other words—and I believe that your bill addresses this—rather than have a regional system, we now need to probably shift to consideration of cemeteries in those areas of the country or specific States that need it the most and possibly consider those facilities or resting places being placed in the areas of greatest need.

I would like to submit that there is one part of this bill that I would like to see amended, and that is to allow the States, if they so choose, to have their State cemeteries converted to national cemeteries. Now, there will be some States that have State cemeteries which will not make that choice. In Arizona, Mr. Bannai, at your hearing, was asked about the cost of acquisition of land, the typical cost of constructing a national cemetery from the ground up. He stated it was approximately $4 to $5 million. Obviously, that would vary with the part of the country and the price of real estate.

I believe that in Arizona and possibly in other States those States would be willing to turn over at relatively no cost to the

Government those State cemeteries for conversion into national cemeteries. I happen to live in a State which is the second fastest-growing State in America. We would rank very high on the list of top 10 States which need a national cemetery, and I believe we have the facilities there that could be readily converted to a national cemetery. I urge your consideration of that provision in this bill.

Finally, I would just like to echo both your words and that of Mr. Smith. There is a number of obligations that we have to our veterans. One of them, which is a commitment we have had since the Revolutionary War, is to provide them, if they so choose, a national cemetery for their final resting place.

I am afraid that, unless we enact this legislation that it will be very difficult if not impossible for us to fulfill that obligation we have to the men and women who served in the Armed Forces of our country.

Thank you very much, Mr. Chairman, for allowing me to testify this morning.

[The statement of John McCain appears at p. 45.]

Mr. SHELBY. The gentleman from New Jersey, do you have any comments or questions?

Mr. SMITH of New Jersey. Just one very brief comment and question. Again, Mr. McCain, I congratulate you on your leadership on this issue. You certainly have been with us in continuing the fight.

I just would like to note that it has been indicated in the past that when Arizona created a cemetery, that under the State-Federal grant program, ultimately the Veterans' Administration would take it over—at least that was one of the understandings.

Do you have any facts concerning that?

Mr. MCCAIN. I have been trying to research that issue. I have been told by the people involved that there was that commitment, that it would be eventually converted into a national cemetery. I will try and provide that factual information for the record, if I can.[1]

Also, I would just like to mention when we had the hearings in Arizona, Chairman Shelby asked the leaders of our veterans group what is the single most important issue to the veterans in the State of Arizona, and they said it was a national cemetery—not hospitalization, not health care, not pensions. That is one of the reasons why I have been as tenacious as I have.

But I appreciate your efforts also, Congressman Smith, in this effort.

Mr. SMITH of New Jersey. Thank you.

Mr. SHELBY. The gentleman from Tennessee.

Mr. SUNDQUIST. Thank you, Mr. Chairman. I would like to congratulate the gentleman from Arizona for his leadership in this area and ask one question.

Last year you testified on this matter before this subcommittee, and as I recall, you introduced some legislation last year. Have you introduced that legislation this year?

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[1] Not received at time of publication.

Mr. MCCAIN. I did, Mr. Sundquist, but I believe that, for a lot of good reasons, Congressman Smith's legislation satisfies everything that was in the proposal that I made. I strongly and respectfully request that he consider adding that one portion which would allow the State cemeteries to convert to a national cemetery if they so choose to do so. I think that would make my legislative proposal not necessary.

Mr. SUNDQUIST. So yours would not be needed if we would accept some language in Mr. Shelby's legislation.

Thank you.

Mr. SHELBY. The gentleman from Florida.

Mr. BILIRAKIS. Congressman McCain, you certainly have been not only a leader in this matter but a leader, period, in your 2 years up here, certainly as the president of our class. You certainly have been one of our heroes and I commend you for your great background and great life.

John, State cemeteries meaning State veterans' cemeteries?

Mr. MCCAIN. Yes, State veterans' cemeteries.

Mr. BILIRAKIS. Are there State cemeteries that might not be veterans' cemeteries? Would it be important to make that distinction?

Mr. MCCAIN. Not that I know of. I guess that should be the language so there is no confusion.

Mr. BILIRAKIS. You have no facts in terms of dollar savings or anything of that nature at this point?

Mr. MCCAIN. My understanding is, for example, the Arizona State cemetery could be converted at no cost to the Government. If it was contemplated to acquire the land and build the necessary facilities from scratch, it would, according to Mr. Bannai in his testimony last year, be $4 to $5 million, which I think in this present environment would be very hard to come by.

Mr. BILIRAKIS. Thank you, John.

Mr. SHELBY. The gentleman from West Virginia, Mr. Mollohan, do you have any questions?

Mr. MOLLOHAN. No questions.

Mr. SHELBY. Congressman McCain, we again appreciate your appearing before the committee. Later on we will have a markup on this bill and we'll try address some of your requests at that time.

Mr. MCCAIN. Thank you, Mr. Chairman.

Mr. SHELBY. Mr. Paul Bannai, Chief Memorial Affairs Director, Department of Memorial Affairs, Veterans' Administration, and his staff will be our next witness. Mr. Bannai, without objection, your written statement will be inserted in the record.

You're no stranger to the committee or to the cemetery system. I'll bet you have seen and traveled personally to just about every cemetery in the country. I know you have worked hard and have been very diligent.

You may proceed.

STATEMENT OF PAUL T. BANNAI, CHIEF MEMORIAL AFFAIRS DIRECTOR, DEPARTMENT OF MEMORIAL AFFAIRS, VETERANS' ADMINISTRATION, ACCOMPANIED BY VINCE BARILE, BUDGET OFFICER; ANN STONE, CONSUMER AFFAIRS OFFICER; AND DREW MULLEN, OFFICE OF GENERAL COUNSEL

Mr. BANNAI. I would like to summarize the testimony which I have presented to you, and I would like everyone to know that I speak on behalf of the Administrator of Veterans' Affairs, Mr. Walters, and, of course, the Department of Memorial Affairs. Since your express intent was to hear our comments relative to both H.R. 755 and H.R. 757, our comments that we have tendered are relative to those two issues. I will give you a very short summary of our formal statement.

In regards to H.R. 755, I want to emphasize that the Department of Memorial Affairs very strongly supports a national cemetery for northern California, and has done so for many years. As mentioned prior to my testimony, we have a little over 1.2 million veterans in that area and the nearest national cemetery is in Riverside, which is more than 400 miles away.

As part of our long-range program, we have, since I have come aboard, looked at great number of possible sites in the northern California area, knowing that the Golden Gate Cemetery in San Francisco was filling up.

Now, one of the things I would like to emphasize is that in a cemetery, whether it is private or public, or a national cemetery, the main concern is that people want to have their loved ones buried close to their home. It is a comfort to them and it is one of their strongest desires for their loved ones.

In our studies, as mentioned by Congressman McCain, we have consistently shown how important it is to locate a cemetery where the people are. That is the No. 1 criterion. Sixty-seven percent of all of our interments in our cemeteries in this first quarter were made in areas where people lived within 50 miles of the cemetery where they were buried.

Let me talk about the Merced County site which is recommended in H.R. 755. I have driven it on several occasions. It is approximately 100 miles southeast of San Francisco. In what we call the primary service area, there are over 500,000 veterans living within a 50-mile radius. We would expect signficantly fewer interments in that cemetery, over the next few years, than at a cemetery located closer to the major population centers.

With regard to H.R. 757, we note that the national cemetery policy established in the 1970's has now been realized. The first part of the bill would appear to initiate an enhanced policy for national cemeteries in advance of a full debate of the issues. The second part of the bill, relative to headstones, would reverse one of our major initiatives to keep national cemeteries open as long as possible and to improve the efficiency of our operations. Flat markers cost less than uprights, allow much more effective maintenance, and can be used on a smaller gravesite, which translates into more grave space for veterans in our cemeteries. Flat markers are the overwhelming trend in private and State veterans cemeteries also. There are no uprights in any State grant cemeteries.

In private and public cemeteries throughout the United States—most of the people, of course, do not have a choice. The cemeteries use flat markers, period. Over 90 percent of our marker orders for veterans' graves in private cemeteries are all for flats.

The written testimony and my remarks at our hearing last May cover those items more fully. I don't want to belabor that particular point.

What I would like to focus on here is the difficulty which there would be over designating both flat and upright sections for every national cemetery. Some of our cemeteries are very small, or have so little land left, that this would just not be practical. Regardless of size, it is impossible to know how much land, if the legislation passed, to set aside for each type of section. We would need to purchase new equipment, open more graves, and spread our employees out more thinly for both interment and maintenance operations at a time when we are asked to cut down on the FTE.

Probably the source of greatest concern would be our large national cemeteries, which have always used flat markers. There are several of these—Willamette, OR, the Punchbowl in Honolulu, Puerto Rico, Houston, and I could go on to many others which have used flat markers for decades, ever since they were established. And we do not have uprights in the new regional cemeteries, such as Calverton, Riverside, Massachusetts, and Quantico. They were designed for a natural setting with flat markers as an integral part of the overall concept. Putting upright sections in those cemeteries would destroy the beautiful environmental settings of those cemeteries and would seriously disrupt some of our busiest, most effective operations. I would ask the committee to seriously reconsider this aspect of the bill.

I want to thank you for the opportunity to appear before you, and if there are any questions, I will be very happy to answer them. If I can't, I will submit whatever there is for the record.

[The statement of Paul T. Bannai appears at p. 47.]

Mr. SHELBY. Mr. Bannai, on page 2 of your written statement you state that under a longstanding VA policy land will be considered for use as a national cemetery only if it is available through donation or through transfer from excess Federal property.

If that statement speaks for itself, why did the fiscal 1986 budget proposal allocate $6 million for land acquisition costs in northern California?

Mr. BANNAI. The policy of the VA and the department of the memorial affairs has been to use excess Federal property or donated land. Under current regulations, land acquired from another Federal agency will require reimbursement of fair market value to the Treasury, unless an exception is granted or the transfer is made directly through legislation.

As you know, ever since I came here 3 or 4 years ago, I have been looking for a site in northern California. We went to probably eight or nine sites.

This year, because there could possibly be a matter of having to pay for a desirable site, we requested to have acquisition costs put into the budget. This is the first year, in the 1986 budget, that OMB gave us the privilege of having that $6 million put into the budget and that's how it came about.

Mr. SHELBY. You also said that you oppose H.R. 755 because the VA may be able to obtain a site closer to the population center of San Francisco. Mr. Bannai, we have been talking about a cemetery for northern California for about 3 years now and nothing has been accomplished.

Don't you think that northern California veterans would be better served by having a cemetery now and not later? How long will we have to wait? This reminds me of the old saying, "He who hesitates before deciding never decides." I think it's time we did something rather than talk about it.

Would you share your thoughts with us on this? I, too, have been out with my staff to visit the proposed site in northern California. I have seen both of them. I think it is time to do something.

Mr. BANNAI. Mr. Chairman, I agree with you 1,000 percent. It has not been the lack of desire on our part to start a cemetery in northern California and to take care of the veterans in that area.

As you know, whenever we start a national cemetery, whether it is in your State of Alabama or in Mr. Bilirakis' State of Florida, the funding has to be available. We cannot say we will build a cemetery without the funding.

Mr. SHELBY. Wouldn't it be a good start where someone is going to give you the land, where you're going to start with the land free? That's the foundation, isn't it?

Mr. BANNAI. That's the foundation, but if we're going to put $4 to $5 million of taxpayers' money into a cemetery, the mere fact that it is free doesn't serve the veterans. I think that the main consideration is the service to the greatest number of families of veterans. Free land, wherever it may be in California, is not going to be the answer in serving the veterans best.

Mr. SHELBY. Moving on to the flat markers versus uprights issue, on page 5 of your statement you say that flat markers permit much more efficient grounds maintenance, including very basic requirements for mowing and trimming.

I have visited many national cemeteries during my tenure as chairman of the subcommittee. They are all beautifully maintained, and I want to compliment you and your staff for that. However, I talked to some of your superintendents around the country regarding the maintenance of upright markers versus flat and was told that maintenance costs would not be significantly increased by the change in policy, as flat markers also require the use of specialized equipment such as edgers to prevent overgrowth of grass and brush.

Do you have any comments on that?

Mr. BANNAI. One of the reasons the superintendent may tell you that is that when a flat marker is in the ground which is below the grade of the grass, we try to keep it trimmed so that all of it is viewable. With an upright, regardless of the grade, placement or type of grass, you have to go all around the exterior because the mower does not get close enough to the stone.

With flat markers, when we mow—and we have what we call gang mowers—we can do many, many acres all at one time and then come back and trim. In the upright markers that are above ground, our gang mowers cannot go through that space. Because, as you know, we have from the headstone to the foot of the grave

approximately 8 to 10 feet in distance. Between the markers there is only about 5 feet. So we have to use smaller equipment, which means there are more people working on the maintenance of upright markers.

The greatest thing is that an upright marker weighs 230 pounds, most of it above ground. Depending upon the condition of the soil in those areas, they have a tendency to turn after wet weather. They may have a tendency to to tilt or sink, and we have a realignment problem which we attend to on a continuing basis. We want to keep them in good-looking condition and we find that the flats are much easier to maintain. We can do a lot better job of making that cemetery look better.

Mr. SHELBY. Let me address that further. I understand that the American Battle Monuments Commission has solved the problem you just spoke of. They are settling monuments by putting in a concrete slab at the head of a row of graves.

Have you considered this for the VA cemeteries here? It seems that a row of gravesites would be filled up in a reasonable time and the markers could be installed on a permanent basis with no more maintenance costs to level them from time to time.

First, are you familiar with the American Battle Monuments——

Mr. BANNAI. Very much so. And when we have people come back to us and tell us how neat and in a row the ones at Manila and the ones over in Europe stand, I try to point out to them that in the American Battle Monument Commission cemeteries, there is one burial of a soldier who died in battle over there per grave. They cannot move that body to the United States, nor can they bury another of their family in those graves. Since the graves are never opened, they can put a ditch with cement in it and then they put in the monument at a height and in line and it is never moved.

We cannot do that because all of our cemeteries permit second burials, to permit spouses to be buried together. When we do that, we have to have the ability to move the stone so that we can allow the second burial. That means that until that is taken care of, we must be able to move the stone when that second burial takes place. We cannot accommodate people with a stone set in concrete. It would be the perfect solution, but in a cemetery where we have so many second burials, we are not able to do it.

For instance, at Long Island, NY, which has been a closed cemetery for about 10 years, we are still doing about 3,000 to 4,000 interments every year. These are all second burials.

Mr. SHELBY. The Chair recognizes the gentleman from New Jersey, Mr. Smith.

Mr. SMITH of New Jersey. Thank you, Mr. Chairman. It is good to see you again, Mr. Bannai. I appreciated our conversations of the past over the proposed legislation, as well as your vision of the VA cemetery system for the future.

It is my understanding that you have a recent internal staff study on the regional cemetery concept. I wonder if you might fill us in as to some of the matters that were contained within that study and if you would provide a copy of it for the record.[1]

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[1] Retained in committee files.

Mr. BANNAI. What we did, since all of the regional cemeteries, with the exception of one in Alabama, were in place, was to evaluate the concept of putting cemeteries in the 10 Federal regions as the way to meet burial needs.

In that study we found that, when the cemetery designated for a region was placed close to a population center, it was a very busy cemetery. When the location was based on other factors, which placed it remote from population centers, that cemetery was not providing what we consider to be maximum service to the greatest number of veterans.

We were interested in knowing, if we were allowed to build other cemeteries, what would be the basis to prioritize our service. That priority is based strictly upon veterans population and the demographics in that particular area.

Mr. SMITH of New Jersey. Just one other question.

As a matter of history, has the Congress ever directed the VA to build a cemetery at a particular location similar to what is envisioned in H.R. 755?

Mr. BANNAI. I don't know of any. We have Florida, which is an exception to the regional concept, which was by Presidential proclamation I understand. President Carter said we should have a national cemetery in Florida. As a result of that, we will be opening a cemetery there.

I don't know of any others other than perhaps, going back in history, the first cemeteries during the Civil War. Whether or not in the orders that were given by President Lincoln he designated where they would be, I really don't know. But I'm not familiar with any.

Mr. SMITH of New Jersey. So, as far as you're concerned, based on your sense of history, we are setting a precedent with this legislation.

Thank you.

Mr. SHELBY. The Chair recognizes the gentleman from Tennessee.

Mr. SUNDQUIST. Thank you, Mr. Chairman.

I have a couple of questions, Mr. Bannai. Thank you for testifying today.

The first discussion that I would like to engage in regards the kinds of markers. The cost of a flat marker as opposed to an upright marker, according to your testimony, is about $50, so it is inconsequential.

Mr. BANNAI. Over a period of years, the cost of upright markers in this bill—the bill says this. It says there will be upright markers unless, unless, whoever is the next-of-kin specifies a flat marker.

Mr. SUNDQUIST. Right.

Mr. BANNAI. We never get involved with the families. The only time that we know we are going to have a burial of a veteran is through the funeral director. So the funeral director fills out all the forms——

Mr. SUNDQUIST. My point is that the money we're talking about for the upright versus the flat marker is not much. That's the only point I was making.

Mr. BANNAI. Per each marker, yes. As you indicate, it is probably about $50-some acquisition cost.

Mr. SUNDQUIST. There is a big difference in weight, isn't that correct?

Mr. BANNAI. Yes.

Mr. SUNDQUIST. As I recall, the last time you were here we focused on these issues, and there was some discussion about the size of the plot required.

Mr. BANNAI. Yes.

Mr. SUNDQUIST. Because of the change from 5 by 10 to 4 by 8, you mentioned it was possible for us to utilize more space. I think I made the point then that the 4-foot width doesn't seem to me to have any bearing on whether it's upright or whether it's flat, that is 4 feet versus 5 feet.

Mr. BANNAI. We're talking about the 4 by 8 and the 5 by 10 or whatever the length is.

Mr. SUNDQUIST. I understand that.

Mr. BANNAI. It is the additional length that we put the upright marker on, not on the width.

Mr. SUNDQUIST. OK. Your figures are based on both the width and the length in the number of burial sites possible in a certain area of land. Now, I made the point one other time that I think you're exaggerating when you say that we can only have so many burial sites because the new one is 4 by 8 and the other one is 5 by 10. I think I made the point before that the width has no bearing on it as far as I can see. I also think I made the point that the length would not necessarily have any bearing on it if, in fact, you redesigned the upright.

As I recall, Mr. Chairman, we asked for a report on some alternative sizes and weights on uprights.

Mr. SHELBY. If the gentleman will yield, I recall that, too. I recall you asking for it.

Mr. SUNDQUIST. That's my recollection.

Mr. SHELBY. I haven't seen the report. Have you?

Mr. SUNDQUIST. I have not seen the report.

My question is, where is the report?

Mr. BANNAI. Relative to whether we could go to a smaller weight headstone size? Is that what you're asking for?

Mr. SUNDQUIST. That's right. We can go back and get the question I asked you specifically from last year, but that was my point. Your sizes are not reflective of your contentions and vice versa.

What I'm asking for is the report and recommendations.

Mr. BANNAI. All right. We would be very happy to give you that.

Mr. SUNDQUIST. It's overdue.

Mr. BANNAI. As the chairman pointed out, when you have uprights and they're in concrete, you do not have shifting. When you have uprights which are on smaller graves—and we're talking about the head, where you put the headstone in—we are talking about a smaller gravesite for each place.

When we have a 4 by 8 as opposed to a 5 by 10, we get approximately a third more gravesites in that area. In your particular State, for instance, we have five cemeteries. Of those, one has uprights, because we are still using the larger gravesite size there. We are planning to reopen several of those cemeteries, and anticipate we will go to a 4 by 8 size. If we do, we anticipate that we

would be using flat markers. If this bill passes, we will not be able to go to flat markers.

Mr. SUNDQUIST. Mr. Bannai, my question, simply stated, is why can't you go to a 4 by 10 upright, No. 1, and why can't you redesign the upright so that it is not as heavy, in order that you can go to the smaller gravesite and still utilize the space?

Mr. BANNAI. We will do that, if necessary, but——

Mr. SUNDQUIST. And based on those two questions, when would you give us a report as to your conclusions if that's possible, and the report on alternatives——

Mr. BANNAI. Our conclusions, just a verbal conclusion, as to 6 by 8——

Mr. SUNDQUIST. No, no.

Mr. BANNAI. Five by eight?

Mr. SUNDQUIST. Let's start over. It's 5 by 10 versus 4 by 8, 4 by 10, because the width has nothing to do with the marker.

Mr. BANNAI. No, it's the head markers that we have, right.

Mr. SUNDQUIST. That's the first question.

The second question, with the different type and different weight of marker, then why not a 4 by 8 for an upright marker?

Mr. BANNAI. Fine.

Mr. SUNDQUIST. That's what I asked for last year. I would like to have it within well, what would be a reasonable amount of time?

Mr. BANNAI. Well, I don't know whether there is legislation mandating a particular marble upright marker, but if there is not, we could implement it right away.

Mr. SUNDQUIST. No, I'm asking for your conclusions on whether that's possible, the report that I asked for——

Mr. BANNAI. Anything is possible, yes, sir.

Mr. SUNDQUIST. Hopefully in the next 30 days we could have some comments on that.

Mr. BANNAI. Surely. I believe we submitted that report to the committee last fall; we will, however, forward a copy to you this week.

Mr. SUNDQUIST. I know my time is up but I do have one other question. I apologize, and I won't dwell on this at length.

It seemed like when we talked before about the regional concept of cemeteries, one of the problems of the regional concept is the distance. In Tennessee, the region we're in, how far is it from the furthest point to the regional cemetery, just offhand, roughly?

Mr. BANNAI. Tennessee would approximately be in the Alabama region——

Mr. SUNDQUIST. So if somebody is driving from Memphis to Alabama, it would be how many miles; 300 or 400 miles?

Mr. BANNAI. I imagine, yes, sir.

Mr. SUNDQUIST. Why in California, then, are we having a discussion on whether one is 40 miles and one is 80 miles, and the 80 miles being too far?

Mr. BANNAI. Well, as I say, if there was no land available within 50 to 80 miles, we would settle on 100 miles. That is not the testimony that I am giving. I am saying that if we can place a cemetery in a place which serves more veterans, that that would be the more ideal situation.

Mr. SUNDQUIST. I rest my case. Thank you.

Mr. SHELBY. The gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. Bannai, you have a tough job, sir, and I commend you for how well you are doing it, certainly within the confines of the dollars that are available to you.

I don't want to get provincial, and hopefully I won't have to. You mentioned the Florida cemetery, which is the Withlacoochee. This subcommittee has a hearing on March 30 in my district, sir, and we have invited the VA to send someone down to testify regarding the status of that cemetery.

Is the VA going to furnish someone to do that, and if they are, then I won't bother to go into the Withlacoochee any further today.

Mr. BANNAI. Yes, we will have someone there to give you an up-to-date report on what is taking place with the plans and the architect's work on that cemetery.

Mr. BILIRAKIS. Thank you, Mr. Bannai.

Now, sir, you mentioned the 529,530 veterans located within 50 miles of Merced County——

Mr. BANNAI. At the site which the bill describes as in Merced County, yes, sir.

Mr. BILIRAKIS. What are your criteria—in terms of the number of veterans living or required to live within a certain radius of a particular cemetery in order to justify putting a cemetery there?

Mr. BANNAI. There are no set criteria.

Mr. BILIRAKIS. Well, how do these 529,000-plus veterans within 50 miles of Merced County compare to other national cemeteries?

Mr. BANNAI. It would probably rank about seventh or eighth.

Mr. BILIRAKIS. Have we taken into consideration the future projection as far as veterans' growth is concerned in that area?

Mr. BANNAI. No, not for that particular site. We have only looked at the number of veterans in the area when comparing the Camp Parks and Merced County sites. The Camp Parks site would serve approximately 300,000 more veterans than the Merced County site.

Mr. BILIRAKIS. That is based on the present population?

Mr. BANNAI. That's correct.

Mr. BILIRAKIS. Which areas seems to be growing faster as far as the veterans population is concerned?

Mr. BANNAI. I am a native of California. The area that is at Camp Parks is growing much quicker, naturally, because it's in a very highly urban area. I have been to the Merced County site on a great number of occasions. It is growing at a much slower pace, as it is primarily an agricultural area.

Mr. BILIRAKIS. The Camp Parks area, is someone donating land in that location?

Mr. BANNAI. It is owned by the Department of Defense. It is Army land which was formerly used for a training camp and is presently used for reserve training. It was their intent to convey through a "Notice of Excess" a portion of their land to the VA.

Mr. BILIRAKIS. Is that going to be done free of charge to the VA?

Mr. BANNAI. We never discussed the possibility of how that transfer would be made, whether it was free of charge or not. We never got to that particular point.

However, the GSA is responsible for transfers. It would have to be excessed first to GSA and then transferred to us. So we never got into the cost. However, they indicated that under the new regulations, there may be a cost. Because that possibility exists, $6 million was put into the 1986 budget.

Mr. BILIRAKIS. There's a possibility it could cost $6 million?

Mr. BANNAI. Yes, if this GSA requirement is not waived. Naturally, if we did not have to pay for it. However, if it were waived, we would try to get the $6 million recycled to the construction of the cemetery rather than the purchase of land.

Mr. BILIRAKIS. I'm not even getting into the questions I wanted to ask because I'm on this point, but I think it is important. I guess the 5-minute rule is great, except that sometimes we don't get to everything.

Mr. SHELBY. The gentleman may proceed a couple of more minutes, without objection.

Mr. BILIRAKIS. Well, maybe we can proceed on that point possibly with Mr. Coelho and other people.

Let's get back to the markers, sir, because that is sort of one of my pets, since you testified that over 90 percent of the markers ordered from the VA for placement on veterans' graves in private cemeteries are of the flat type—which as you say is a clear reflection of public acceptance—is it your projection then that in veterans' national cemeteries there would be approximately 90 percent or better than 90 percent that would be requesting the flat type?

Mr. BANNAI. Presently, most of the uprights go only to our national cemetery system. There are very few, if any, private or public cemeteries throughout the country that use or allow upright markers in their cemeteries. The national cemetery system is practically the only one now using and allowing upright markers.

Mr. BILIRAKIS. So, basically you're saying that better than 90 percent use it because they have no other choice; is that the bottom line?

Mr. BANNAI. That's right. All private and public cemeteries generally do not allow a choice of a marker. They are all either flat bronze, flat granite, or flat marble.

Mr. BILIRAKIS. In that case, then, we don't know about a clear reflection of public acceptance because there is no choice?

Mr. BANNAI. That's right to some extent. I would point out, however, that both private and public cemeteries try to be responsive to the desires of their customers, so we must assume flat markers are the preference of many people. But with regard to this particular bill, the family's choice would be upright unless they designate that it will be flat.

Mr. BILIRAKIS. All right. One last question, Mr. Chairman, although God knows there are many more I would like to ask.

Are you suggesting, then, that the language in section 2 of the bill that says "each such marker shall be upright except that * * *," are you suggesting it be changed so that it can be truly an optional type of a thing?

Mr. BANNAI. If the option was given to the people, knowing the type of headstones in that particular cemetery, yes.

Mr. BILIRAKIS. Knowing what we had in that particular cemetery; what does that mean?

Mr. BANNAI. Most families that we meet at the cemetery have never been in our cemetery until the day of the service.

Mr. BILIRAKIS. But when do they make the decision in terms of markers? Forgive me, Mr. Chairman——

Mr. SHELBY. You may proceed.

Mr. BANNAI. When the veteran passes away, or the loved one passes away, the funeral director is the first contact. Possibly, at that particular time the first thought arises where we should bury the veteran or the next of kin. I think that is the first time a thought is given to whether or not burial will take place in a national cemetery.

Mr. BILIRAKIS. But when a nonveteran passes away, or even a veteran who is going to be buried in a private cemetery, I don't think any thought is given to it. I haven't given any thought as to what type of a marker I'm going to have when I pass on. I'm sure the first thought of it is going to be when my family—knock on wood here—when my family goes before the funeral director to decide on what cemetery and what marker to have. So there is nothing new there.

Isn't the funeral director going to know at that point in the game that it will be a national cemetery and then raise the question in terms of what type of marker? Is that any different than is customarily done?

Mr. BANNAI. Up to now they have never raised the question because if they know burial will take place in cemeteries such as Riverside, Calverton, or Quantico, they know that flat markers are all that are utilized there. They will have to put that question to the family somewhere along the line.

Throughout the country, requests are not usually received for upright markers.

Mr. BILIRAKIS. But you could have that question.

Mr. BANNAI. Yes; we would have to put that question on all the questionnaires.

Mr. BILIRAKIS. So it could then be a true option.

Thank you, Mr. Chairman. I'm sorry I took so much time.

Mr. SHELBY. The gentleman from West Virginia, Mr. Mollohan.

Mr. MOLLOHAN. Thank you, Mr. Chairman.

Mr. Chairman, I just want to go on record, if it ever becomes an issue before the committee, that I will vote to give Mr. Bilirakis any kind of headstone he wants, whether it's upright or flat. [Laughter.]

Mr. Bannai, I want to thank you for your assistance in regard to our cemetery in West Virginia. It is nice to be able to express my appreciation to a Veterans' Administration official. At least that issue did not get politicized in our campaign and I want you to know that I appreciate that very sincerely. I do want to go through the numbers a little bit with regard to that cemetery, however, just to confirm for the record what I understand to be fact.

Could you lay out the current timetable for completion of the annex at Pruntytown next to the Grafton National Cemetery?

Mr. BANNAI. Thank you. In my job—and I think any person that works for the Government and works for a constituency, and I work for veterans—that the first consideration should be the veter-

an and the service we can render to them. That's my approach, and Pruntytown serves as an example.

Mr. MOLLOHAN. I certainly appreciate that, and I think it is regrettable, particularly in an administration like the Veterans' Administration, when those who so sanctimoniously profess to be nonpolitical do, indeed, become crassly political within the closing months of the campaign. I know you're probably aware of that. You weren't involved in that, and that's why I expressed my appreciation.

Mr. BANNAI. But because of that, my main aim is to get veterans in West Virginia a gravesite as quickly as possible.

The day before yesterday the assistant to our regional office in Philadelphia and the new Director at Winchester National Cemetery were over at Pruntytown looking at the site. We have a construction timetable established, which allows for the award of a contract to an architect/engineer in that area. As you know, the reason for the delay involves the transfer of additional land from the State, which was accomplished just this week in terms of final definition of boundaries. We now can proceed——

Mr. MOLLOHAN. That transfer is complete?

Mr. BANNAI. It was completed this week insofar as setting boundaries are concerned. Actual transfer must be approved by the administration and the Justice Department. We will now proceed at the fastest dispatch we can. I have told staff that regardless of whether we have a building, or whether we have a facility there, that as long as we can build a road we should start burying the veterans as soon as possible. That is the main priority. So I believe by next year I am hopeful we can open some portion of Pruntytown.

Mr. MOLLOHAN. Let me just ask, the transfer has been made by the State to the Veterans' Administration?

Mr. BANNAI. For the additional land, the offer has been made and we are processing acceptance. I saw that yesterday, yes.

Mr. MOLLOHAN. So that has been done?

Mr. BANNAI. That has been done, and we can proceed. We were not able to do anything until that additional land was given to us.

Mr. MOLLOHAN. OK. I understand that.

What are the dates for completion of the various stages?

Mr. BANNAI. I think we sent you probably about 1 month ago a tentative schedule based upon the transfer of land. Since that has now been completed, we will try to send you more of a formal response.

Mr. MOLLOHAN. I am very interested in the landscaping for that cemetery. Who will be doing that, when will that process begin, and when do you expect it to be ended? How can I be made aware of the particular designs before the final design has been chosen?

Mr. BANNAI. Generally we will hire a local architect engineer. That is our normal process. At that particular time we will get a preliminary plan from them on their concept of how that property should be developed. Since it is a little different than most of our cemetery sites, I imagine we will——

Mr. MOLLOHAN. How is it different?

Mr. BANNAI. Well, it has a knoll, which is very good, and it does have some landscaping. We always try to encourage our architect

engineers to take care to keep as much of the natural terrain and the natural vegetation in place as possible, without importing a lot of trees and taking out trees.

Mr. MOLLOHAN. Mr. Chairman, I have a few additional questions. May I proceed?

Mr. SHELBY. You may proceed.

Mr. MOLLOHAN. Thank you, Mr. Chairman.

I appreciate your cooperation on that project and we will continue to look forward to working with you on it. I am particularly interested in having a beautiful, if you will, aesthetically pleasing, attractive area there. I think it can be made dramatic and I would like to have that goal in mind as we proceed.

Let me followup with one more question on this cemetery. Will that cemetery have flat markers or raised markers?

Mr. BANNAI. We had anticipated putting flat markers there, but under the proposed legislation, of course, if it passes, we would be under whatever the people would want, I guess.

Mr. MOLLOHAN. Would it require passage of this legislation to get upright markers in that cemetery?

Mr. BANNAI. I imagine that it would.

Mr. MOLLOHAN. Thank you. You just answered how I feel about that legislation.

I would like to talk a little bit about the California situation, of which I have just become aware.

The Merced County site, as I understand it, is the No. 2 site; is that correct?

Mr. BANNAI. It was, in our estimation, a second choice in the event we were not able to get a closer site transferred to us.

Mr. MOLLOHAN. What makes it a second priority site? What is the main criteria that makes it a second priority site?

Mr. BANNAI. The one and only thing. The number of veterans we would serve is about half which we would serve at a site in Alameda County, for example.

Mr. MOLLOHAN. And am I correct in saying that that number of veterans that could be served from the Merced site would be approximately 500,000?

Mr. BANNAI. That's correct.

Mr. MOLLOHAN. So you're talking about roughly 1 million for the San Francisco site?

Mr. BANNAI. That's correct.

Mr. MOLLOHAN. When you have come up here making arguments for regional cemeteries, you have argued the opposite. You have made arguments, in words or effect, that a regional site is acceptable although it may not be in close proximity to the veterans.

How do you reconcile your arguments made for regional sites with the argument you are making against the Merced site?

Mr. BANNAI. Well, I have never argued for or against regional sites. All we did was reassess, after the regional sites were selected and the cemeteries had been open for a period of time, to see what that regional concept had done insofar as serving veterans.

Mr. MOLLOHAN. Well, then, would the lack of proximity of veterans to regional sites cause you to oppose the regional siting concept?

Mr. BANNAI. I would if it were not near veterans, yes.

Mr. MOLLOHAN. And what would you define as "near veterans?"

Mr. BANNAI. When there is a greater number of veterans in a metropolitan area, or in any area, that a cemetery serves that area more than when the population of veterans is very sparse, that we look at demographics of various areas and we feel there are places that would be better served rather than staying with the regional concept.

Mr. MOLLOHAN. Of course, it would be hard to generalize on that because in rural areas you would be applying a different test. But as a generalization, you think that proximity to veterans is important; is that correct?

Mr. BANNAI. That's correct. All of our cemeteries that have the greatest activity in interments are near veterans populations.

Mr. MOLLOHAN. Well, that's going to be interesting testimony if we ever get into that regional discussion again.

I would simply submit that proximity to 500,000 veterans is a lot of veterans to be close to, and I also understand this site is particularly aesthetically pleasing. It involves a significantly greater number of acres, also, than the San Francisco site, does it not?

Mr. BANNAI. No; it would not, because if they're going to have more veterans buried, you would need more space——

Mr. MOLLOHAN. Well, that's not my question. My question is, the Merced site has more acreage than the San Francisco site?

Mr. BANNAI. That's correct.

Mr. MOLLOHAN. Thank you. I thought it was. Also, it is being offered as a donation, is it not?

Mr. BANNAI. That's correct.

Mr. MOLLOHAN. I recall when we were talking about the expansion of the Grafton Cemetery, I was advised that you couldn't even accept—I mean, you could not consider a cemetery expansion that the Federal Government had to pay for. Why is it different out in California now?

Mr. BANNAI. It isn't any different. As I explained in my prior statement, the policy of a Government agency having to buy land from another agency is not our policy. It was put into place within the last several years.

Mr. MOLLOHAN. Of course, I don't have our conversations recorded, but I think I am repeating your representations to me accurately when I say that you said that you could not consider expansion of the Grafton Cemetery in West Virginia unless land was donated to the Federal Government.

Mr. BANNAI. And that is our policy as yet.

Mr. MOLLOHAN. Well, that would just preclude the San Francisco site, then, because you've got to pay for it.

Mr. BANNAI. We are not expanding a cemetery, Mr. Mollohan. It is a situation, as I explained to you, since the policy was in effect, we requested the funds for the purchase of land, whether it be private or governmental land. That's how the money got in there.

Mr. MOLLOHAN. So you initiated an exception to that policy for California?

Mr. BANNAI. I would do it for anywhere, yes, sir.

Mr. MOLLOHAN. I understand. But the answer to my question is yes, you initiated an exception for that policy for California?

Mr. BANNAI. Because there is an exception of Government policy that is not VA policy.

Mr. MOLLOHAN. OK. But you used that policy to preclude the possibility in West Virginia from purchasing a site?

Mr. BANNAI. At that time, yes. The policy was only to accept donated land.

Mr. MOLLOHAN. OK. I just wanted to get the record straight, that we're applying a bit of a different standard here and that the No. 1 site that you're vying for would cost the Federal Government money and the other site would be donated, which is within your policy requirements.

None of this line of questioning in any way diminishes my gratitude for accommodating us in West Virginia. It is simply to set the record straight for California.

Mr. BANNAI. Since you are in the profession to understand costs and taxes and what it costs the people of the United States taxwise and moneywise, may I point out that when $6 million is given from us to the DOD——

Mr. MOLLOHAN. This is going to be good.

Mr. BANNAI [continuing]. It goes from one pocket to the other. When the Government accepts land from a private taxpayer of land which may be worth $4 or $5 million, there is a tax forgiveness there that the taxpayers of the United States are paying for. So I might point out that, no matter how you look at it, there is some impact. Whether we receive donated land from a man who has a very large tax consequence, or whether we pay the Department of Defense $6 million for the land, that is our land. And when I say our land, I'm talking about tax——

Mr. SUNDQUIST. Would the gentleman yield?

Mr. MOLLOHAN. I'm sure there's a point there. With my poor powers to add and subtract, I'll have to think about it for a while to understand the point.

Mr. SUNDQUIST. Would the gentleman yield for one question?

Mr. MOLLOHAN. I would indeed yield.

Mr. SUNDQUIST. Isn't the site where the Government would transfer money from one pocket to the other 150 acres, and isn't the other one something like 450 acres?

Mr. BANNAI. The other one is 400 acres.

Mr. SUNDQUIST. How much would it cost to buy another 300 acres or 250 acres at the site where the Government is going to transfer money from one pocket to the other and end up with 150 acres to begin with? Wouldn't you have to buy some more to expand?

Mr. BANNAI. It would depend on the land and it would depend upon the value of that particular parcel.

Mr. SUNDQUIST. What would you do if it was prorated? How much is land in that vicinity worth?

Mr. BANNAI. The land that we're looking at in the Alameda County area, as I pointed out, is a highly urban area with a lot of population. It would be much more expensive than the land which is in Merced County.

Mr. SUNDQUIST. So on an economic decision, wouldn't it make more sense in this instance, where the VA does make exceptions, to take land that is a bigger chunk and is only 40 miles difference,

unlike Memphis to Alabama or other regions. It seems like you argued the regional concept the last time and now you're arguing the other way, that we ought to be closer. You're arguing the point I stated last time, that we need State cemeteries. I think you have to look at the total costs.

I promised one question and I'm sorry. Thank you.

Mr. MOLLOHAN. That's fine. I'm finished.

Thank you, Mr. Chairman.

Mr. SHELBY. The Chair now recognizes counsel, Mr. Fleming, for questioning.

Mr. FLEMING. I just want to clarify one thing for the record for the benefit of the members. Mr. Montgomery certainly has an interest in establishing this national cemetery in northern California, and Secretary Weinberger notified him on April 5, 1984, that the administration's policy is to require the payment of fair market value for the acquisition of excess Federal property. So I would just like that to be noted for the record.

Mr. Bannai, you indicated you felt we should always be going where there is a greater number of veterans to be served. I would just remind you that, if you recall, the Carter administration proposal to establish a national cemetery in the Southeast at the Fort McPherson site in the Metropolitan Atlanta area, where the larger veteran population existed. This administration proposal that the cemetery be located at Fort Mitchell, AL, where there is a substantially less number of veterans to be served. You can't have it both ways here.

I think Mr. Mollohan is correct. This is not a bad site that the committee is considering, because there is a substantial veteran population to be served in Merced County. The second important thing that must be taken into consideration is the growth pattern. No one would disagree that the San Francisco Bay area has the greater veteran population today. But the question is going to be where is the greater population going to be 20, 25 and 30 years from now. It is our understanding that the growth pattern is headed in the direction of the Los Baros site.

Mr. SHELBY. If counsel will permit, it is my understanding, Mr. Bannai, that precedent in the House has already been made for the establishment of a national cemetery, one back in 1979, where the House passed a resolution to provide for the establishment within the national cemetery system of the Fort Mitchell National Veterans Cemetery.

Also, in 1975, the House passed and set a precedent then of why a national cemetery should be established at Quantico, VA. So we have been active in this, notwithstanding some other things, and we thought we would clarify the record on that.

Mr. BANNAI. Mr. Shelby, if the committee feels strongly about this issue, I would like to have you look at the issue in this regard.

Since at one time the land was offered in Alameda County I would like your committee to very seriously look at using the same means, legislation, to the transfer land at Camp Parks to the Veterans' Administration without cost. If by your implication Congress has the right and the power, to legislate a cemetery in a particular area, I would at least ask you to look at the possibilities, because if

legislation can do it, then I would appreciate very much that you look at all the facts and then possibly sponsor such legislation.

Mr. SHELBY. Well, I have seen both of those sites personally, and the staff and other members of the committee have, too. It just seems that that's an awfully small—even if we could get it transferred up in the San Francisco area—that is considering a national cemetery as a relatively small site.

The Chair now recognizes for further comments the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. Bannai, as you know, Chairman Montgomery prefers all upright markers. We had testimony some time last year from veterans' groups to the effect that they felt they should have a choice. As a result of that testimony, I submitted my amendment which would afford, I would hope, that choice.

Then I guess maybe your comments were very significant to about setting aside specific parts of the cemetery for the flat markers, where the flat markers will be used so we can be consistent with aesthetics and what not.

Are you satisfied that the language of this proposed bill, 757—which starts out in section 2, "Each such marker shall be upright except that * * *" et cetera, et cetera, and then it goes into the flat markers and the setting aside—are you satisfied that it affords an adequate choice to the veteran's family?

Mr. BANNAI. I think that, speaking for myself—and I am sure that my staff would agree with me—we would still prefer to run the cemeteries that we operate in the manner which we have done in the past, so that we can save personnel, save taxpayers' funds, and take care of the veteran's family in the best possible manner, which this does not.

Mr. BILIRAKIS. I commend you for being consistent, but I think the handwriting is on the wall, that that is not going to take place as far as legislation is concerned. So my question again is, are you satisfied that this language affords the option that apparently the Members of Congress and the veterans' organizations want?

Mr. BANNAI. You know, if the legislation passes, naturally we're going to accept it, as we have everything else. We will do our very best to work under those conditions and do the very best job we can.

Mr. BILIRAKIS. And to afford the veterans' families the option, to be sure they do get the option?

Mr. BANNAI. Right. But at the same time, I think we have had two large veterans' organizations here—the American Legion and the Veterans of Foreign Wars—that represent probably a total membership of 5 million, and also their cemetery and memorial affairs committees, that recognize the feeling for uprights as localized in the Northern areas.

In fact, the American Legion has accepted a resolution which they will bring to their convention asking that the uprights be retained in two cemeteries in Minneapolis and North Dakota, but that in the other cemeteries we follow the policy that we have established in those areas.

Mr. BILIRAKIS. So we're going to hear testimony to that effect; is that what you're saying?

Mr. BANNAI. I would believe so.

Mr. BILIRAKIS. Again, you haven't—and I know you're not intentionally trying to avoid it—but you haven't really answered my question. If we face a real world of choice—and I know that the choice is important to you, too, because you have told us this—do you feel that the language of this bill would afford the veteran's family the proper choice?

Mr. BANNAI. Yes; it would. And I would also say that as the bill moves along, if we are faced with the situation, you would give us the funding and the FTEE in order to implement it. That would help greatly.

Relative again to the northern California matter, I know the chairman is having a hearing for the veterans in Florida. He has been kind enough to have a meeting for the Arizona situation. I would like very much, if the committee wishes and has the time, that in northern California you hear the views of the veterans that we're going to serve in northern California with regard to a cemetery site.

Mr. SHELBY. Mr. Bannai, thank you.

The Chair now recognizes Mr. Rufus Wilson, minority staff director and counsel, for any questions or statements he wants to make.

Mr. WILSON. Paul, just real quickly, if you would.

Do you have the statistics as to how quickly the site at San Francisco, at Camp Parks, would fill up as compared to the site at Merced County if that were selected? Could you provide that for the record?

Mr. BANNAI. If we're talking about 150 acres, you're talking about—well, again depending on markers, if they were flat markers, we can put in about 1,200 to 1,300 graves. If they're upright——

Mr. WILSON. Presume for the moment they're going to be upright.

Mr. BANNAI. For upright, we will fill up probably a third earlier. So 150 acres, with roads taken out and et cetera, I imagine that the burial rate there would probably be in the neighborhood of about 5,000 to 6,000. You're now talking approximately 15 years or so.

Mr. WILSON. Could you tell me this, Paul? Did DOD oppose giving you the Camp Parks site?

Mr. BANNAI. No, they never have. In fact, as recently as last year, a notice of excess was being prepared for us when the hold was placed on the property.

Mr. WILSON. Has anyone else opposed the Camp Parks site?

Mr. BANNAI. I have heard by implication and rumors that the city which adjoins the parcel, known as the city of Dublin, opposes a cemetery there. We have letters from veterans saying they don't think it would be good because it's near a freeway. We have heard that some people oppose it because it is near a prison. But we have many cemeteries near prisons, we have many cemeteries near freeways, and the veterans still opt to be buried there.

Mr. WILSON. Presuming for the moment that you could get that land for the $6 million transfer between Government agencies and that money going into GSA; if you did not get the Camp Parks site, and if you had the land donated at Merced County, could you use

that $6 million for the development of the Merced County cemetery without specific appropriation language?

Mr. BANNAI. We have never asked that specifically, but I'm sure that as long as $6 million is put in for a cemetery, we would ask that it be recycled for that particular purpose, wherever the site might be.

Mr. WILSON. So it probably would require congressional appropriation language?

Mr. BANNAI. That's correct.

Mr. WILSON. Thank you, Mr. Chairman.

Mr. SHELBY. At this point I would like to introduce a letter and a resolution that we received from the Veterans of Foreign Wars regarding H.R. 755 and H.R. 757. It is my understanding they are going to support it. Without objection it will be made part of the hearing record.

[The letter and resolution appear at p. 55.]

Mr. SHELBY. Mr. Bannai, would you, just for the record, introduce the people who appeared at the table with you?

Mr. BANNAI. Yes. This is Vince Barile. He is my budget officer here. We didn't have too much on the budget. Ann Stone is my consumer affairs officer, and she is doing a lot of work with me, so we brought here up here. And then I have a gentleman from general counsel, Drew Mullen, who looked at our testimony and also will be helping us if there are any legal implications.

Mr. SHELBY. Again, we appreciate your appearing, and as you indicated to the gentleman from Florida, that you or someone on your staff will appear at our field hearing in Florida later this month?

Mr. BANNAI. Yes, Mr. Chairman. As I indicated, I would very much welcome, if you can, and if you have the time, to at least go to the San Francisco area and hear the veterans in those areas—not from the State as a whole, but the veterans in those areas that will be using these facilities in the future—to at least get their feeling on what they would like to have.

Mr. SHELBY. The record will remain open for questions by counsel and other members of the staff for 5 days.

Thank you for appearing before us today.

Mr. BANNAI. We thank you for your time.

Mr. SHELBY. Our next witness will be the Honorable Tony Coelho, a colleague of ours, from the 15th District of California. Tony, if you will just come on up.

Your written testimony will be made a part of the record.

STATEMENT OF HON. TONY COELHO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. COELHO. Thank you, Mr. Chairman. I appreciate your willingness to make the statement a part of the record. I will not read it.

I would just like to really get right into Mr. Bannai's comments because I found them rather intriguing and interesting.

Mr. SHELBY. We have, too.

Mr. COELHO. I think you should know that I really have to start off by apologizing that this bill even has to come up here because

the Veterans' Administration could go ahead and make this decision without bothering any of you here in this committee or any of us in the House.

You should also know, Mr. Chairman, and members of this committee, that since 1974 we have been working on the possibility of a cemetery in northern California, but at that time the Veterans' Administration chose the site at Riverside. In 1979 I started pushing again for a Merced County site because of the need of veterans in northern California who were forced to go clear down to southern California. At first the Veterans' Administration held firm on its 1974 stand that that was OK. Later they agreed with us and said there was a shortage of burial spaces, and we needed to start looking for a site in northern California, and they started working with us.

I would like to submit for the record a letter that came out of the Veterans' Administration on August 11, 1982, to all the counties in the northern California area, that in effect said "Your assistance is requested, therefore, in the identification of county-owned tracts of land within or close to the 50-mile radius area of Livermore, CA, shown on the map enclosed, that meet the general size, suitability, and availability criteria mentioned above." And they give all this critera. They have a map showing what is within the 50-mile radius of Livermore and request sites.

[The letter and map appear at p. 60.]

Mr. COELHO. Well, interestingly, the site that we are discussing here is within this 50-mile radius. I find it intriguing that Mr. Bannai now says that it is not in the right area for their interest and that they need to locate the cemetery at Camp Parks. I find it interesting, also, that in responding to Mr. Mollohan, Mr. Bannai said that we need to move ahead on gravesites as quickly as possible in West Virginia.

Mr. Chairman and members of the committee, I say why not in northern California? If you're that interested in West Virginia—and I support that effort—why not do it in California as well?

Mr. SHELBY. If the gentleman will yield, aren't nearly 11 percent of the veterans residing in California now?

Mr. COELHO. Yes, sir; and more are coming. We welcome them. But we would like to have the burial facilities for them when they come out.

I would like to discuss Camp Parks just for 1 minute. Mr. Bannai has been there many times and has looked at it. I think we need to state for the record that it is not a rumor that Dublin is opposed. You have the resolution. It is a fact that the city of Dublin is opposed, and that the county of Alameda, which Dublin is in, is strongly opposed. So the community does not want the cemetery in Dublin or near Dublin or in Alameda County.

The people in Merced County, in the area right next to the proposed site, the county, are all very anxious to have the veterans' cemetery there. So you have on the one hand people not wanting the cemetery, and on the other hand people wanting the cemetery, but the Veterans' Administration is still hesitating.

There was some discussion raised about the veterans in northern California and where they might want to be. I think it is important to also point out the California VFW has taken a position in sup-

port of this site. They want a facility now, they want the site. The people and veterans in the Alameda County area are opposed to that site, as was pointed out, because it is next to a prison and it is right on top of a freeway. It is not close to a freeway; it is right on top of a freeway. So they don't think it is aesthetically pleasing for a cemetery.

Some of you may have seen the photos of the two sites, and I would be happy to present them and hopefully you can make them a part of the record.

Mr. SHELBY. If you will offer them, we can pass them around and make them part of the record, without objection.[1]

Mr. COELHO. Thank you, Mr. Chairman.

You will see that the site in Merced County is very aesthetically pleasing. It has rolling hills. It has everything that veterans would want for a place for their loved ones. Families would be able to pay their respects to their loved ones at a very pleasant facility.

I think it is also important, Mr. Chairman, to note that the Members of Congress from Alameda County also are opposed to the Camp Parks site. Mr. Dellums, who is chairman of the subcommittee that would have to approve the transfer, has not let the transfer go through. I'm not saying he is blocking it; I don't want to say that; but it has not gone through. I think we have to read into that for whatever value it is.

I also want to point out that the fair market value of this particular land is between $13 and $31 million for 150 acres. OMB says, as you know, that under the new rules there has to be this charge—you've got to transfer the charge. Basically you have a situation here where the Veterans' Administration on the one hand would have to pay up to $31 million for a facility that nobody in that county wants them to have, the Members of Congress don't want them to be there, it is not an aesthetically pleasing site for the veterans, and on the other hand you have a free facility that the county and city officials want, that the veterans want, and there are a great number of veterans in that area. Yet the VA still resists.

There was some discussion on growth pattern. Mr. Chairman and members of the committee, Mr. Bannai said he is from California, and he is. I happen to be from this area. I was born and raised in California, and so were my parents. I happen to know that there is an established growth pattern, and it is not something that people don't know about. It's there. The growth pattern is moving south closer to this particular site. It is on the record. Those are facts, and Mr. Bannai knows that.

The area below this proposed site is a fast growing area. Modesto, Fresno, all that area in there, is rapidly growing. There are 500,000 veterans in the area that this facility would be serving, even in this particular locale. I think, Mr. Chairman, if you look at all the facts, if you consider all the different points, there is no doubt that the Veterans' Administration should move on this site quickly. Why they don't, why they have hesitated, I can't answer. But all I can tell you is I wish that we didn't have to go through

[1] Retained in committee files.

legislative action when it is unnecessary, when everybody involved, except for the Veterans' Administration, is enthusiastically in support of this Merced site.

Thank you, Mr. Chairman.

[The statement of Hon. Tony Coelho appears at p. 62.]

Mr. SHELBY. Congressman Coelho, as you know, at your request last fall I went to your district and I saw this beautiful proposed site. It is everything you say it is. I had on an earlier occasion visited with staff at the Camp Parks site. There is really no comparison between the areas, in my opinion.

Mr. COELHO. I totally agree.

Mr. SHELBY. I would have hoped that the VA was going to, on its own initiative, go ahead, as it indicated it would, and initiate the necessary steps to go ahead and build this cemetery. Sometimes they need a little help from Congress and that's what we're trying to give them.

We appreciate your appearing here before the subcommittee today. I think seriously that in the area that you propose, it has a lot of merit and we're going to do everything, some of us are, to see that it becomes a reality.

Mr. COELHO. Thank you, Mr. Shelby.

If I can just make one comment—and Mr. Fleming hopefully can reinforce me—as I remember, last year the Veterans' Administration said that if they couldn't get this worked out by the end of the year, they would go ahead and move—or maybe it was October 1; I can't remember the date right now; but they said they would go ahead and make the move.

That has not happened yet. It seems like there is continual delay and continual delay. So I appreciate those comments because it does seem that we need to have the VA prodded a bit.

Mr. SHELBY. The Chair recognizes the gentleman from Tennessee. Any comments or questions?

Mr. SUNDQUIST. I think I have probably asked all my questions. It sounds logical to me, but the Federal Government is not always logical.

Mr. COELHO. Thank you, Mr. Sundquist. I appreciated the questions that you asked because you asked very appropriate ones. I think your point is well taken. I can't follow the logic of the Government in this particular case.

Mr. SHELBY. The Chair next recognizes the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Mr. Coelho, how does your friend and constituent, the "cow", feel about your site?

Mr. COELHO. The "cow" is enthusiastically supportive of this veteran facility. It would fit in very nicely to that particular constituent's needs and desires.

Mr. BILIRAKIS. Why is the Romero Ranch Co. donating the land?

Mr. COELHO. All I can tell you is that I have known these people all my life. I was born and raised near them. They were 4-H leaders of the 4-H club in which I was involved. I showed cattle with the children of my age as we grew up on the dairy farms. They are major landowners and they have done very well. Their position to me is that they are very interested in developing this area that we're talking about. It is right off of a major interstate highway

and it was a sleepy little place with just a gas station and what we call today a 7-11. In those days it was just a little "Mom and Pop" store. That's all that was there, really.

Today, it is booming. It is growing rapidly because of the interstate highway. There is all kinds of facilities there. I think that this particular family is very interested in the growth of the area, but also they are veterans and they are very interested in the Government. I might say they are of the other party and they feel very strong about this country and want to help out.

Mr. BILIRAKIS. Does it follow, being of the other party, that that's why they feel strongly about this country? [Laughter.]

Mr. COELHO. I wanted to point out to you that it is through their interest in the future of this country and not because I have twisted their arms. That is really what I'm trying to tell you. I was surprised when they came forth. They called me and said they thought the idea of having a cemetery there was excellent and that, instead of having the Bureau of Reclamation or somebody else transfer land, they had land and it could be used for cattle grazing and so forth, but that they thought this was a higher and better need and they would like to be involved in just an automatic donation. I was shocked, to be honest with you, because it is a lot of land.

But it isn't, as Mr. Bannai may have pointed out, it isn't because they need the tax benefits. They're of a different category than that. This has nothing to do with it. I think they are just good Americans and want to do their share.

Mr. BILIRAKIS. Thank you, sir.

Thank you, Mr. Chairman.

Mr. SHELBY. Congressman Coelho, as I mentioned earlier, I was out there, and this is a beautiful site. You really need to see it—the pictures don't do it justice.

I was impressed with the idea, they have the land and they would be giving away a beautiful site. But, as the gentleman said, it would be for a noble purpose.

Mr. COELHO. Mr. Chairman, I might just add that all of us here—and I think Mr. Sundquist made the point—that we are talking about the future. We are not talking about something just for today. We are talking about something years and years from now that will be around for a long time. I think this family is interested in that and that's what it's all about. So am I and so are all of you. Hopefully we can do what is right here, and I think it is very clear what is right.

Mr. SHELBY. Congressman Coelho, we appreciate you coming. We have a markup later on, and we'll let you know when it comes about.

Mr. COELHO. If I can just make a personal comment, this is the first time I have appeared before this committee since I left it. I enjoyed it while I was here. Some of the staff is new, but I would like to acknowledge Rufus Wilson, who was at the VA at the time and is now here. He was always a good friend over there and it is nice to see him here on the committee helping us out on this end.

Mr. SHELBY. I would now recognize Mr. Wilson for any rejoinder.

Mr. WILSON. May I just say that this piece of land that you're talking about, Mr. Coelho, is a heck of a lot better than the piece that was offered about 10 years ago.

Mr. COELHO. That's right; I totally agree.

Mr. WILSON. Thank you very much.

Mr. SHELBY. Thank you, Congressman.

Mr. SHELBY. Our next panel will be Mr. Richard Johnson, Jr., director of Legislative Affairs, Noncommissioned Officers of the United States; Mr. Richard Schultz, associate national legislative director, Disabled American Veterans, and Mr. Rick Heilman will accompany him.

Gentlemen, while you're coming up, I want to take a couple of minutes recess.

[Whereupon, the subcommittee was in brief recess.]

Mr. SHELBY. The subcommittee will come to order.

If the gentlemen on the panel will please take their places, we will try to move on. You may proceed, Mr. Johnson.

STATEMENTS OF RICHARD W. JOHNSON, JR., DIRECTOR OF LEGISLATIVE AFFAIRS, THE NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA; AND RICHARD F. SCHULTZ, ASSOCIATE NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS, ACCOMPANIED BY RICK HEILMAN, NATIONAL LEGISLATIVE DIRECTOR DAV

STATEMENT OF RICHARD W. JOHNSON

Mr. JOHNSON. I would like my full statement entered in the record.

Mr. SHELBY. Your written statement will be entered into the record in full, without objection.

Mr. JOHNSON. I just have a few comments to make, Mr. Chairman. First, on behalf of the association, I would like to commend the committee and its members and staff for the diligence they have shown on these issues. These are changes that have been under consideration now for about a year, and hopefully they will move through the legislative process successfully this year.

The association strongly supports both bills, H.R. 755 and H.R. 757. The primary issues in those bills have been roundly discussed here this morning and we have little to offer on that subject. However, there are two recommendations that we have made in our prepared statement that I would like to touch on briefly.

First is to endorse Mr. McCain's concept of directing the Veterans' Administration to consider the acquisition of State veterans cemeteries as an augmentation to the regional cemetery concept. We believe it is obvious to the committee that the regional cemetery concept is not as adequate as it was intended to be, in supporting veterans. As a result, I don't think we should automatically or summarily refuse to consider any option in augmenting the cemetery system.

The second recommendation we have made is with regard to a very small problem—and again, I don't want to make a large issue out of a very small problem, but I did want to bring it to the committee's attention. NCOA was recently approached and has agreed to pay for the placement of 36 markers provided by the Veterans'

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Administration to cemeteries which have not been placed at the gravesite of the veteran because the placement fee was not paid at the time the funeral was arranged, or for many other reasons. In at least one case the marker has sat idle in the cemetery, not at the gravesite, since 1971. It is regrettable, but again I point out it is a very small problem, one that the VA unofficially estimates affects less than 100 markers a year.

However, a small change in the certification on the stone request would require the cemetery to make sure that arrangements are made for the placement of those markers. We ask the committee to take steps in this legislation to make that a requirement of the cemetery directors at the time the stone is ordered.

That concludes my remarks, Mr. Chairman. We thank you for the opportunity to be here. We also again commend the committee for its action on this matter.

[The statement of Richard W. Johnson appears at p. 66.]

Mr. SHELBY. We appreciate your appearing and waiting during a protracted hearing. Sometimes they go on longer than you think.

Mr. Rick Heilman, Disabled American Veterans, will introduce Mr. Richard Schultz, associate national legislative director.

Mr. HEILMAN. Yes, sir; good morning, Mr. Chairman. I want to thank you for this courtesy. I am not the witness today; Mr. Rick Schultz is. I would like to introduce him to the committee. Rick just recently joined our staff.

Rick served in the U.S. Army for 5 years, from 1964 to 1969, including a 2-year tour in Korea, and a combat tour in Vietnam. Among his decorations Rick has the bronze star with a combat V device, and the purple heart. At the time Rick was wounded in Vietnam, he was a platoon sergeant with the 25th Infantry Division.

Following his disability retirement from the Army, Rick went back home to Ohio and attended Xavier University in Cincinnati, OH, and in 1974 joined the DAV as an employee, as a national service officer, and for the past 6 years Rick has been the supervisor of the DAV claims office in Cincinnati, OH.

We are pleased to have Rick on our staff. We feel that his own personal experience as a seriously-disabled veteran who has come through the VA benefits system, coupled with his professional expertise as a representative for VA claimants, gives him a unique insight and knowledge about VA benefits and services. We are most happy to receive him on our staff and I am sure you will be seeing and hearing from Rick a good deal in the future, Mr. Chairman.

Thank you.

Mr. SHELBY. We appreciate his coming, and we appreciate you making the introduction. We look forward to working with you.

STATEMENT OF RICHARD F. SCHULTZ

Mr. SCHULTZ. Thank you, Mr. Chairman.

Mr. SHELBY. Your written statement will be included in the record in its totality.

Mr. SCHULTZ. Thank you very much, Mr. Chairman.

Just a brief summary. I would like to just go through a few points that we made in our prepared statement.

It is the firmly held view of the Disabled American Veterans that eligible veterans for national cemetery burial should have a location as near as possible to their homes and to their families. The establishment of a national cemetery in Merced County, CA, surely will assist in meeting the needs of veterans in that part of California.

We also suggest, however, that in the 5-year plan called for in H.R. 757, that the Administrator be specifically required to examine those States with either no national cemetery, or no cemeteries open to new interments. We feel that this would further assist in meeting the needs of veterans throughout the country.

With respect to the grave markers, we support you, Mr. Chairman, in that we feel that veterans should have a choice in their grave markers, and also we support the provisions calling for separate sections of the cemetery which would be set aside for flat and upright markers.

This concludes my summary, Mr. Chairman. I thank you very much for the opportunity to appear here today.

[The statement of Richard Schultz appears at p. 71.]

Mr. SHELBY. We appreciate you appearing before the subcommittee.

The gentleman from Florida.

Mr. BILIRAKIS. I have had a chance to run through Mr. Johnson's testimony, and I understand you're both pretty well in agreement on this point.

Going back now to the graveside markers, if this legislation is passed by the House—or, let's say, if it is enacted and signed into law by the President—would your organizations then inform your members of the fact that this choice is available?

Mr. JOHNSON. Yes, Mr. Bilirakis; we would use the resources at our disposal, the NCOA Journal, our weekly advisory that goes out, and also such special news releases as would be appropriate to make sure that our membership was aware it is available.

Mr. SCHULTZ. Yes; the Disabled American Veterans, through our national magazine, which is a monthly publication with over 1 million circulation, would definitely notify our membership, and also through our State departments. Each State department has newsletters that are sent out. So the word would be sent to the people in the field.

Mr. BILIRAKIS. Mr. Johnson, then you're proposing that the language of H.R. 757 be changed so that markers will be placed on the gravesites. Could that not ultimately get into the point where every marker will—how can I put this? In other words, the way it is right now, veterans pass on, and their families are able to afford placing the markers on the gravesites. You indicated there are approximately 100 cases where that did not take place. Is that correct?

Mr. JOHNSON. Perhaps if I could give you an example, Mr. Bilirakis. Under current law, the next-of-kin is actually responsible for the placement of the headstone, with the payment of such fees as are necessary to the cemetery.

Mr. BILIRAKIS. What is that usual fee?

Mr. JOHNSON. It can range from as little as $15 to as much as $300, depending on the requirements of the cemetery.

To give you an example of one of the cases we have, the next-of-kin, almost immediately after the death of the veteran, was admitted to a State institution and was deemed mentally incompetent. The executor of the survivor's estate did not wish to dedicate her resources to placement of the veteran's headstone. As a result, the cemetery director decided not to go out and place that headstone because he had not been compensated to do so.

It is regrettable that the individual cemetery director didn't feel either a moral obligation to place the headstone himself, or to contact a Boy Scout troop or somebody else about doing it. It would be nice if that did happen; regrettably, it is not going to.

What we are suggesting, however, Mr. Bilirakis, is not that the Federal Government fund placements in those circumstances, but only that the cemetery director be required to place that headstone. As a result, we expect what would happen is, before the cemetery director certifies that that headstone would be placed, or is eligible for placement to the veteran's grave, that cemetery director will either make arrangements to collect that fee up front before giving that certification, or will agree, more or less for lack of a better choice of words, to "eat" the fee if, in fact, a payment for placing that stone is not forthcoming.

Mr. BILIRAKIS. So under the legislation that you would propose, the cemetery could not refuse to place the marker or to certify?

Mr. JOHNSON. Not once they have made the certification but they could, in fact, refuse to certify the order if they were not compensated for placing that stone. They could refuse to certify the order. They can refuse to certify the order now. We are not suggesting that be changed. But by the legislation we propose, once they have certified that order, they have agreed that that stone will be placed, whether it is at a cost to them or whether it is because they have collected the fee for placement up front.

Mr. BILIRAKIS. The certification would take place at what point?

Mr. JOHNSON. The certification takes place at the point at which the stone is ordered by the next-of-kin or by such individual who is authorized to do so.

Mr. BILIRAKIS. Would the family have adequate knowledge to determine that by refusing to certify the cemetery is also refusing to place the stone? What difference would this make to them? They would not really have adequate knowledge to be able to determine that.

What you're saying is they might then have an opportunity to choose another cemetery; is that what you're saying?

Mr. JOHNSON. That's always an alternative, Mr. Bilirakis, but I don't think it would go that far. As things are currently done, the funeral director must carry this form out to the cemetery with all the proper and appropriate blocks checked. When you are requesting a marker for the veteran, you can request the upright marker, the flat bronze, the flat granite, any number of markers, and this form, which goes to the cemetery at this point, says that the cemetery agrees that is the type of stone eligible for placement in their cemetery.

Some cemeteries currently require a deposit, and in some cases the full fee, before they will certify that form, so that it can go to the VA, so that the marker may be carved and shipped to the cemetery. This is currently happening. What we are saying is that when we have them certify that the stone is eligible for placement, let us also have the cemetery certify that the stone will, in fact, be placed, that it won't end up leaning against a garden shack. It does not transfer any cost burden that is not in current law, except that it provides that the cemetery director must state at that point that the stone will be placed on the veteran's grave once it is ordered.

Mr. BILIRAKIS. It probably wouldn't be a bad idea to get a comment from Mr. Bannai on this point.

Mr. SHELBY. The hearing record will remain open for 5 days.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. SHELBY. Counsel, do you have any questions?

Mr. FLEMING. No questions.

Mr. SHELBY. Thank you for appearing, both of you, today.

Mr. JOHNSON. Thank you.

Mr. SCHULTZ. Thank you, Mr. Chairman.

Mr. SHELBY. Next we will hear Mr. James Hazelwood, Jr., director of marketing, Georgia Marble Co., if he would please come on up to the witness table.

Mr. Hazelwood, Mr. Bates Wilson has spoken to me about you and your testimony today. Without objection your written testimony will be inserted in the record in its totality.

You have listened to the testimony today, and I wonder if you would address some of the problems. Are you prepared to answer questions on ground maintenance, uprights versus flats, oil spills on flat markers, mowers scratching the names on flats, et cetera? You also might wish, if it is within your knowledge, to make any comments on the areas of the country where the soil is soft and where a slab placed there is settling. How do you prevent it from settling? I would also like for you to comment about the American battle monuments overseas and the placing of their markers.

If you would, please address these specifically.

STATEMENT OF JAMES W. HAZELWOOD, JR., DIRECTOR OF MARKETING, GEORGIA MARBLE CO.

Mr. HAZELWOOD. Thank you very much.

Mr. Chairman and members of the subcommittee, my name is James W. Hazelwood, Jr., and I am appearing today on behalf of the Georgia Marble Co., a supplier of upright markers for national cemeteries and other cemeteries.

As you are aware, the House of Representatives last year unanimously passed H.R. 4686, sponsored by Congressman Montgomery, which mandated the use of upright markers in national cemeteries except when families request a flat marker. In addition, a similar bill was introduced by Senators Boschwitz, Pressler, and Abdnor but did not pass. The Senate's position prevailed in conference committee.

We are very pleased that this important matter has been brought before the Congress again in this session in the form of H.R. 757 by Congressmen Shelby and Smith. Mr. Chairman, the in-

troduction of this legislation has been promoted by a Veterans' Administration circular published March 1, 1982, which eliminated the use of upright markers in all of the new sections of existing national cemeteries and all new national cemteries. This abritrary elimination of the use of upright markers has been vigorously opposed by virtually every veterans organization and many individual veterans. Interestingly, the VA grandfathered the use of traditional upright marble markers within existing upright monument areas of national cemeteries and in private cemeteries, thus providing the families of veterans in those instances freedom of choice in the selection of the types of markers for the deceased veterans in those cemeteries.

There has always been a special honor, prestige, and a measure of status associated with a veteran's burial, and especially in a national cemetery. The vision which most Americans have of a national cemetery associates with the use of dignified and impressive upright marble markers. The Arlington National Cemetery serves as the prime example of this sort of cemetery.

While we continue to believe that tradition would best be maintained through the exclusive use of upright markers, at the least the policy should be such as to permit freedom of choice on the part of the families of deceased servicemen to select a type of marker most compatible with the individual cemetery and its surroundings.

However, under the banner of cost reduction—and we have yet to see any cost analysis which clearly demonstrates any significant savings—an arbitrary prohibition has been created against the use of upright marble markers in new cemeteries which violates a sense of fair treatment.

We recognize that the invoking of the issue of patriotism in connection with this issue by a company which has a vested economic interest may be suspect to some. However, beause of that involvement, our company has a high sensitivity to this issue. We feel that it is a travesty to a proud tradition to deny the families of those who have served their country the ability to select the type of grave marker which instills pride and a sense of our Nation's history.

Mr. Chairman, we are not alone in our view on this matter. The Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans are actively supporting this position.

Although the question of freedom of choice is relevant to all national cemetery locations, the availability of upright markers is of special concern to those sections of our country where there is significant winter snowfall. Senators Boschwitz, Pressler, and Abdnor have spoken spoken eloquently to this concern. Senator Pressler said, and I quote:

> Midwestern winters are long and hard. Snow often comes early and stays with us until spring. Blizzards are frequent and in weather conditions like this, many times the flat markers are covered with snow and are very difficult to locate.

Mr. Chairman, there have been various cost figures quoted by the Veterans' Administration, most of which are based upon mandatory utilization of upright markers and retroactive replacement of flat markers with upright markers. The Veterans' Affairs Com-

mittee, however, reached a finding last session of concurring with the Congressional Budget Office, that this provision would not have a significant budgetary impact.

In closing, Mr. Chairman, it is our view that the tradition and dignity represented by upright markers in national cemeteries is of sufficient significance that it would be in the national interest to require the use of such markers. At the very least, it is totally inappropriate to deny freedom of choice to a veteran or his family. We hope that the committee and the Congress will see fit to pass Congressman Shelby's legislation.

Mr. Chairman, I would like to make a few statements in relation to maintenance. I know that we're talking about running a lawn mower over a piece of ground that has flat markers and the lawn mower can run at its lowest speed or its top speed, and we're talking about a mower that is probably the size of a pretty good sized farm tractor pulling some cutting blades behind it. I don't know how many rows, but it could be 2 rows or 14 rows of mower blades. The weight of this machine going across these markers has an effect on flat markers.

If you hit the corner of a flat marker, you can tilt it. It doesn't necessarily have to tilt, but a couple of ton vehicle could tilt it. It could crack it. Machinery, automobiles, and tractors leak oil, gas, and grease. When it drops out on the ground, it gets on the marker. You have a clump of grease that has to be cleaned off. Blades of grass are being thrown in the air and come down on that flat marker. They have to either be blown off or cleaned off. If the mower continues to run through the grease and the grass, it stains the marker. You've got grease stains and grass stains that have to be cleaned.

I would assume all of that costs money, to reposition a flat marker that has been tilted, or to clean grass stains or grease stains off of a marker. You don't run over an upright. You don't drop gas and grease all over it.

Someone mentioned earlier the fact that you take an edging machine, it could be like a weedeater or like a blade machine, and you go around the edge of a flat marker to keep it trim and keep it pretty, and the VA does this. If you hit that marker with an edging machine, and the name goes out to the edge of the face, whether it be bronze or granite, you can scour that. If you do the same thing with an upright, you might nick the base of the upright, and they are nicked, where it is planted in the ground, but you're not scouring the face of that upright.

So I would question whether or not when you perhaps grind the letters of a name off with a weedeater or a blade machine or a lawn mower blade might hit it, or something mechanical happens to the face of that flat, how often are those replaced? I don't have any figures on it, but we know that happens.

I don't understand the size, the more efficient use of cemeteries by a piece of flat stone versus an upright. I don't understand that at all. We have a piece of upright marble that is 13 inches wide and 4 inches thick. That is the space it occupies.

Mr. SHELBY. How much does that weigh?

Mr. HAZELWOOD. It weighs 200, 230 pounds. Marble weighs 150 pounds a cubic foot. So in Georgia Marble, a white marble marker, you're getting——

Mr. SHELBY. Is marble heavier than granite?

Mr. HAZELWOOD. No.

Mr. SHELBY. It's lighter?

Mr. HAZELWOOD. Lighter.

Mr. SHELBY. How much lighter?

Mr. HAZELWOOD. About 180 to a cubic foot of granite to 150 for marble, slightly lighter. But you're getting such a smaller piece of granite versus the piece of marble.

Georgia Marble furnishes the top 5 percent of its marble for headstones, the top 5 percent. We are mandated by law to furnish white marble, lightly veined. That is the topline of our marble. That means that 95 percent of our other marble that is available is not offered to the VA. That is the most costly marble we have. It is in excess of $70 to $89 a foot.

Mr. SHELBY. Is it the top grade?

Mr. HAZELWOOD. It is the top grade. It is the perfect diamond if we were in the diamond business. It is a perfect piece of marble, absolutely perfect.

Mr. SHELBY. What part of the market do you have as far as the marble headstones in the United States?

Mr. HAZELWOOD. Are you just talking about the VA headstones or total——

Mr. SHELBY. Everything.

Mr. HAZELWOOD. As far as marble is concerned, we probably have about 50 or 60 percent of the entire marble market in memorials. But as far as headstones and memorials, we probably occupy less than 4 percent of the market totally.

Mr. SHELBY. How long has your company been working with the VA as far as the cemeteries go?

Mr. HAZELWOOD. Georgia Marble, this year is its second 100 years. We have been working with the VA as long as they've been in business.

Mr. SHELBY. The Chair recognizes the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. Hazelwood, do you sell your markers direct to the VA, or does it go through a middleman, a distributor or whatever?

Mr. HAZELWOOD. We sell direct to the VA.

Mr. BILIRAKIS. What are your charges for the flat markers versus the upright markers?

Mr. HAZELWOOD. We don't furnish a flat marker.

Mr. BILIRAKIS. What is the cost to the VA from Georgia Marble for an upright marker, approximately?

Mr. HAZELWOOD. This year, it's a bid process. This year I believe it's somewhere in the neighborhood of about $70 to $73 per marker.

Mr. BILIRAKIS. Is there as much as a $50 difference in the cost of the markers, flat versus upright?

Mr. HAZELWOOD. Probably. But here again, if you're just looking at material cost, you're getting a third less granite, or slate or bronze, than you are in marble. The marble size, where somebody talked about maybe we ought to redesign the size, is dictated by

law, by the regulations. You're getting 230 pounds of top grade marble versus 30 or 40 pounds of some other material.

Mr. BILIRAKIS. Thank you.

Thank you, Mr. Chairman.

Mr. SHELBY. Mr. Hazelwood, are you familiar with the American Battle Monuments overseas placing the markers?

Mr. HAZELWOOD. I have read some articles on what they're doing.

Mr. SHELBY. Do you have any comments on that?

Mr. HAZELWOOD. Yes, sir; in areas where they have a soft soil, maybe a sandy loam or something where a heavier monument or memorial would sink, they are using a concrete slab. The concrete slab is uniformly poured in such a way that the upright marker can be placed on the concrete slab, where you have a flat surface for the marker to sit on under the ground.

What takes up the space in the cemetery is not the marker. It is the gravesite itself. They are able to uniformly line up these upright markers. I don't know if you saw on television the President and First Lady this past year walking across a national cemetery in Europe with a wreath. They were laying that——

Mr. SHELBY. That was Normandy, wasn't it?

Mr. HAZELWOOD. Normandy. They were laying that wreath on an upright marker, not some flat piece of stone in the ground.

Mr. SHELBY. Well, I have seen them both ways. I personally prefer the upright.

Mr. HAZELWOOD. We feel that, given a choice, most people would probably prefer it. We haven't done any market studies on that.

Mr. SHELBY. We appreciate your appearing before us here today. We might have some written questions that we might want to submit written questions to you for the record.

Thank you for coming.

This concludes our hearing.

[Whereupon, at 12:10 p.m., the subcommittee adjourned.]

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APPENDIX

I

99TH CONGRESS
1ST SESSION

H. R. 755

To direct the Administrator of Veterans' Affairs to establish a national cemetery in Merced County, California.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1985

Mr. SHELBY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Administrator of Veterans' Affairs to establish a national cemetery in Merced County, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the conveyance to the United States of the land described in subsection (b), the Administrator of Veterans' Affairs shall establish a national cemetery in Merced County, California, on that land.

(b) The Administrator is authorized to accept from the Romero Ranch Company, a California corporation, a tract of land consisting of 350 acres, more or less, located in Merced County, California, if donated to the United States by the

Romero Ranch Company for the purposes of the establishment of a national cemetery. The exact acreage and legal description of the land to be conveyed shall be determined by the Administrator and the company.

SEC. 2. A national cemetery established under this Act shall become part of the National Cemetery System and shall be administered under chapter 24 of title 38, United States Code.

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99TH CONGRESS
1ST SESSION

H. R. 757

To amend title 38, United States Code, to provide for the orderly expansion of the National Cemetery System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1985

Mr. SHELBY (for himself and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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A BILL

To amend title 38, United States Code, to provide for the orderly expansion of the National Cemetery System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1000 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) Not later than July 1 of each year, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the construction and expansion of national cemeteries. Each report shall include—

"(1) a five-year plan for the construction and expansion of the National Cemetery System;

"(2) a list, in order of priority, of the 10 geographic areas in the United States in which the need for additional burial space for veterans is greatest; and

"(3) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for each cemetery or proposed cemetery included in the five-year plan and general plans for the expansion of the National Cemetery System in each geographic area included on the list".

(b) The first report under section 1000(c) of title 38, United States Code, as added by subsection (a), shall be submitted not later than July 1, 1985, or the end of the 30-day period beginning on the date of the enactment of this Act, whichever is later.

SEC. 2. (a) Section 1004(c) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Each such marker shall be upright, except that, if the person buried (or the survivor or legal representative of the person buried) has requested that the grave be marked with a flat marker, the person shall be buried in a cemetery

section set aside for graves marked with flat markers and a flat marker shall be used.".

(b)(1) The amendments made by subsection (a) shall apply with respect to markers for the graves of persons who die after September 30, 1985.

(2) During the period beginning on October 1, 1985, and ending on December 31, 1985, the Administrator of Veterans' Affairs—

(A) may waive the applicability of section 1004(c)(2) of title 38, United States Code, as added by subsection (a), in the case of the grave of a person to be buried during such period in a cemetery in which there is no section set aside for graves with upright markers; and

(B) may deny a request under section 1004(c)(2) of title 38, United States Code, as added by subsection (a), that the grave of a person to be buried in a national cemetery be marked with a flat marker if the denial is for the reason that in the cemetery in which the burial is to take place there is no section set aside for graves with flat markers.

(3) Not later than January 1, 1986, the Administrator of Veterans' Affairs shall designate for each cemetery in the National Cemetery System a section in which graves shall be

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marked with upright markers and a section in which graves shall be marked with flat markers.

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STATEMENT OF

CONGRESSMAN JOHN McCAIN

FIRST DISTRICT, ARIZONA

BEFORE THE

SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS

COMMITTEE ON VETERANS AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

MARCH 14, 1985

MR. CHAIRMAN, I WOULD LIKE TO TAKE THIS OPPORTUNITY TO COMMEND YOU AND THE DISTINGUISHED RANKING MINORITY MEMBER OF THE SUBCOMMITTEE, CONGRESSMAN CHRIS SMITH, FOR TAKING THE INITIATIVE TO INTRODUCE THIS LEGISLATION, H.R. 757. I WOULD ALSO LIKE TO THANK YOU FOR GIVING ME THE OPPORTUNITY TO COME BEFORE YOU TODAY AND EXPRESS MY THOUGHTS REGARDING AN ISSUE WHICH IS VERY IMPORTANT. IMPORTANT NOT ONLY TO MY STATE OF ARIZONA, BUT ALSO THE NATION.

AS YOU ARE AWARE, I THINK THAT THE VETERANS' ADMINISTRATION SHOULD EXPAND THE EXISTING NATIONAL CEMETERY SYSTEM ON AN EQUITABLE AND ORDERLY BASIS. BASED ON PRESENT AND FUTURE DEMOGRAPHICS, THE ADMINISTRATOR SHOULD RANK THE NATION'S TOP TEN AREAS WHICH COULD BE REASONABLY SERVED BY AN OPEN NATIONAL CEMETERY.

H.R. 757, DOES AN EXCELLENT JOB IN ACHIEVING THIS GOAL. HOWEVER, I THINK THAT IF WE ARE GOING TO EXPAND THE NATIONAL SYSTEM, WE MUST LOOK AT THE FEASIBILITY OF ACQUIRING EXISTING STATE VETERAN CEMETERIES AND INCLUDING THEM IN THE NATIONAL SYSTEM. TO ME, IT MAKES NO SENSE TO GO INTO PRIORITY AREAS, ACQUIRE NEW LAND AND MAKE IMPROVEMENTS, WHEN THERE ARE EXISTING STATE CEMETERIES AVAILABLE AT NO COST TO THE VETERANS ADMINISTRATION.

DURING THE RECENT HEARINGS THIS COMMITTEE HELD IN PHOENIX, THE DIRECTOR OF MEMORIAL AFFAIRS, PAUL BANNAI, TESTIFIED THAT, EXCLUDING LAND ACQUISITION FEES, IT WOULD COST THE GOVERNMENT APPROXIMATELY $4 TO $5 MILLION TO START UP A NEW NATIONAL CEMETERY. IT IS DOUBTFUL THAT THIS OR ANY FUTURE CONGRESS WOULD APPROVE THIS FUNDING WHEN THE OPTION OF ACQUIRING THESE EXISTING CEMETERIES REMAINS VIABLE. IF WE ARE TO EXPAND THE NATIONAL SYSTEM, IT IS IMPERATIVE THAT WE TAKE INTO ACCOUNT THOSE STATE CEMETERIES ALREADY IN EXISTENCE. I AM CONVINCED THAT WE MUST DRAW ON THE RESOURCES ALREADY EXISTING IN MANY AREAS OF OUR COUNTRY, AND NOT SPEND MORE REVENUE THAN IS ABSOLUTELY NECESSARY TO ESTABLISH NEW CEMETERIES.

MR. CHAIRMAN, IN THE INTEREST OF FAIRNESS, ANY LEGISLATION PASSED BY THIS COMMITTEE SHOULD CONTAIN THE PROVISIONS THAT STATE CEMETERIES CAN BE TURNED INTO NATIONAL CEMETERIES. WHILE I BELIEVE THAT ONE OF THE OBLIGATIONS WE HAVE TO OUR VETERANS IS TO PROVIDE A RESTING PLACE WITH NATIONAL RECOGNITION, I BELIEVE IT IS ALSO OUR OBLIGATION, AS MEMEBERS OF CONGRESS, TO ENSURE WE ACCOMPLISH THIS AT THE LEAST EXPENSE TO THE TAXPAYER.

STATEMENT OF
PAUL T. BANNAI
CHIEF MEMORIAL AFFAIRS DIRECTOR
DEPARTMENT OF MEMORIAL AFFAIRS
VETERANS ADMINISTRATION
BEFORE THE
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

MARCH 14, 1985

Mr. Chairman and Members of the Subcommittee:

On behalf of the Administrator of Veterans Affairs, Mr. Harry N. Walters, I thank you for the privilege to appear before the committee today.

Your letter of February 21, 1985, expresses interest in proposed legislation before the committee, specifically H.R. 755 to direct the Administrator of Veterans Affairs to establish a national cemetery in Merced County, California, and H.R. 757 to provide for the orderly expansion of the National Cemetery System, and for other purposes relating to monumentation in national cemeteries under the jurisdiction of the VA.

California, with its 3 million veterans, has the largest veteran population of any State in the Union. Although there are five national cemeteries in California, only one is at present open for full-casket burials. This is Riverside National Cemetery, located about 70 miles east of Los Angeles. The other cemeteries have space for cremated remains only.

About 1.2 million of California's 3 million veterans live in the northern part of the State. For them, Riverside is the nearest national cemetery with available grave space, and that is more than 400 miles south of the major population centers of San Francisco and Sacramento. The next closest national cemetery is Willamette, near Portland, Oregon, about 500 miles to the north.

VA appreciates the broad support that has been expressed for establishing a national cemetery to serve the veterans of northern California, and is most pleased that the President's fiscal year 1986 budget includes this initiative.

Under longstanding VA policy, land will be considered for use as a national cemetery only if it is available through donation or through transfer from excess Federal property, and if it is otherwise suitable for cemeterial purposes.

Another critical factor is proximity to centers of veteran population. Our studies have consistently shown that veterans and their families are far more likely to use a national cemetery when it is located within a 50-mile radius of home. Beyond that 50-mile radius, participation drops off sharply. In the first quarter of FY 1985, for example, 67 percent of our national cemetery interments were for individuals who had resided within 50 miles of the cemetery; only 20 percent from 51 to 100 miles away, and 13 percent from 101 miles or beyond.

The site proposed in H.R. 755, commonly called the Los Banos site, has been investigated by the VA. This property is located approximately 100 miles southeast of San Francisco. Approximately 529,530 veterans live within 50 miles of the Merced County site. We would expect significantly fewer interments each year at the Merced County location, than if a new facility were located in a more heavily populated area.

Proximity to centers of veteran population is a very serious consideration in evaluating any new national cemetery's potential effectiveness. Our primary goal in establishing national cemeteries is to locate them where they will cost-effectively serve as many veterans as possible. In our opinion, enactment of legislation authorizing or directing construction of a national cemetery at Los Banos would disrupt our long-range planning, and, because the VA may be able to obtain a site closer to the population center of San Francisco, such legislation would not be in the best interests of veterans. For this reason, we ask that legislation requiring a national cemetery at Los Banos not be recommended by your subcommittee.

We would also counsel against the enactment of H.R. 757. There are two reasons for this view. First, the national cemetery policy established in the early 1970's has now been realized. We do not believe it appropriate to initiate, as this bill would do, a new, enhanced policy for national cemeteries in advance of a full debate of the issues.

Second, the VA strongly opposes mandating the use of upright grave markers. The second part of H.R. 757 provides that markers in national cemeteries will be upright, unless a flat type is requested; and that upright and flat sections shall be designated for each national cemetery. VA opposes this provision on the basis of cost; impact on available grave space; and operational efficiency.

We believe that flat markers provide fitting and dignified memorials for veterans. Flat markers, rather than upright headstones, have become increasingly popular in this country over the past 50 years. The strong trend in cemetery design in all parts of the country has been towards "memorial parks," which generally exclude upright stones, and strive for a serene, natural setting. In response to this trend, flat markers have been approved to mark veterans' graves in private cemeteries since the late 1930's. Today over 90 percent of the markers ordered from VA for placement on veterans' graves in private cemeteries are of the flat type - a clear reflection of public acceptance.

Flat markers are not new to the National Cemetery System. The three new national cemeteries opened in 1948-1950 -- Puerto Rico, Willamette (Oregon), and the Punchbowl (Hawaii) -- have used only flat markers, and are regarded as among the most beautiful in the National Cemetery System. Flat markers have also long been used in the cemeteries adjacent to VA medical centers.

In 1976, the Advisory Committee on Cemeteries and Memorials recommended that flat markers be used in the new regional cemeteries then being planned. After additional studies were conducted, VA in 1982 extended the use of flat markers to new burial areas in existing cemeteries. In burial areas that already have upright headstones, uprights continue to be used until those sections are filled.

The decision to extend the use of flat markers was based on a number of considerations, including operating efficiency, cost effectiveness, conservation of cemetery land, and private sector trends.

The use of flat markers is an integral part of our effort to improve the productivity of VA employees and the effectiveness of national cemetery operations. The flat markers permit much more efficient grounds maintenance, including very basic requirements for mowing and trimming. This is a factor which will become increasingly important to the appearance and upkeep of our national cemeteries in times of limited resources. Flat markers are less subject to damage, erosion and discoloration than the white marble uprights, which are comparatively soft and porous. This in turn results in less frequent need for cleaning and replacement. With a weight of about 100 lbs. less than the uprights, the flat markers can be installed by one person rather than two, and with less risk of injury to the employees.

In addition to enhancing the efficiency of cemetery operations, the flat markers continue to yield significant procurement savings. In fiscal year 1984, the average cost for a flat granite marker was $33.99, compared to $83.10 for an upright marble stone.

Conservation of cemetery land is a major consideration in evaluating the advantages of flat markers. Before 1982, the standard grave size in national cemeteries was 5' x 10'. This allowed about a foot of undisturbed soil at the head of a grave where the upright marker could be placed. The weight of the upright stone is highly concentrated in a small area, and if placed on soil that had been excavated for the grave, will tend to sink. The situation is different with flat markers, whose weight is far less and is spread out over a larger area. With flat markers, it has been possible to use a standard grave size of 4' x 8', with a yield of 1,312 gravesites per acre versus 840 gravesites per acre under the 5' x 10' grave size. This represents an important part of our efforts to keep national cemeteries open as long as possible and to provide service to as many veterans as possible. Simply put, to require upright markers would necessitate reverting to the larger gravesite, and ultimately deny burial in the national cemetery of their choice to veterans who could be accommodated under the flat marker/4 x 8 concept.

Designation of flat and upright sections in every national cemetery, would pose very serious operating problems, and would deprive the agency of its current flexibility to make common-sense decisions regarding monumentation at individual cemeteries. Some cemeteries are extremely small, for example, or have very little land left. It would be difficult to make such a demarcation without totally destroying the aesthetic environment . It is also impossible to anticipate what proportion of land should be set aside for each type of marker.

There are other concerns, common to every cemetery, related to obtaining a timely, final, and satisfactory decision on which section is preferred by the next-of-kin. Funeral arrangements are extremely trying to any family, even in the best of circumstances. Based on our experience with other decisions which absolutely must be made at the time of death, we anticipate that many families will be unprepared for selecting a section, and will simply find another source of anguish in this matter. At what point would their decision be final? When the time of interment is scheduled? When the funeral party arrives at the cemetery? Would disinterments be allowed either at private or government expense, based on a change in preference?

Of particular concern are the large, active cemeteries like Calverton, on Long Island. With over 6,000 interments a year, it is the busiest cemetery in the National Cemetery System. Calverton, like our other new regional cemeteries, was designed for a park-like atmosphere, in keeping with the natural contours of the land. Burial sections have been laid out in conformance with this concept. A dramatic change of this type would be aesthetically disruptive to the peaceful setting of the cemetery, and would also require a signficant revision to the master plan, such as wider roadways, additional access to burial sections to accommodate heavy equipment, and re-design of the irrigation system.

Calverton experiences extended frost periods - as do many of our cemeteries - and would need to open twice as many graves each fall to accommodate burials in either flat or upright sections for winter

burials. Utilization of personnel resources would necessarily be less efficient if both interment and grounds maintenance crews must be spread over a larger area. Additional equipment would be needed for burials, mowing, trimming, spraying, and setting headstones. Headstone installation is in itself less efficient with the uprights, and would require additional employees to set them each spring when the ground thaws in order to avoid backlogs.

VA believes that flat markers are dignified, and clearly reflect the overwhelming trend in cemeterial design in America today. They are cost effective, and make a significant difference in the availability of gravesites at individual cemeteries. We would especially hope that national cemeteries specifically designed for this concept be allowed to continue them without disruption.

In light of the marked advantages of flat markers which I have just discussed, the VA must oppose legislation requiring upright stones in national cemeteries on the basis of cost, operating efficiency, future burial needs, and private cemetery trends. We similarly oppose the requirement that dual sections be designated for each national cemetery.

Five-year costs for H.R. 755 would be approximately $4 million. For H.R. 757, five-year costs would be approximately $20.4 million; this estimate includes $16.312 million for higher procurement cost of uprights, $3.160 million for resulting increases in the monetary reimbursement allowance, and $.974 million for additional maintenance. Indirect costs such as cemetery redesign are not included.

That concludes my statement, Mr. Chairman.

I thank you again, on behalf of the Administrator of Veterans Affairs, for the opportunity to appear before you and your Subcommittee.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

OFFICE OF THE DIRECTOR

March 8, 1985

The Honorable Richard Shelby
Chairman
Subcommittee on Housing and Memorial
Affairs
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter is submitted in lieu of testimony for your hearing with respect to the national cemetery system to be held on March 14, 1985.

H.R. 755 introduced by you and cosponsored by Messers. Smith of New Jersey, Montgomery, and Hammerschmidt would direct the Administrator of Veterans Affairs to establish a national cemetery in Merced County, California. The most recent National Convention of the Veterans of Foreign Wars of the United States rejected all proposed resolutions calling for the establishment of national cemeteries in specific areas and passed instead the enclosed Resolution No. 625 entitled "To Provide for an Open National Cemetery in Every State."

H.R. 757, again, introduced by you and cosponsored by Mr. Smith of New Jersey would provide for the orderly expansion of the national cemetery system and, also, upright grave markers in national cemeteries but permitting flat markers in a section of the cemetery set aside for that purpose. Our current resolution, No. 733, entitled "Oppose the VA Policy Which Provides for the Exclusive Use of Flat Grave Markers" fully supports the provisions of H.R. 757.

In addition to the foregoing, our 85th National Convention also passed Resolution No. 624 entitled "Restore Burial Benefits" and Resolution No. 732 entitled "Oppose the Use of 4' x 8' Grave Sites in National Cemeteries."

All cited resolutions are enclosed and it is requested this letter be made a part of the record of this hearing.

With best wishes and kind personal regards, I am

Sincerely,

Donald H. Schwab

DONALD H. SCHWAB, Director
National Legislative Service

DHS/slw

Enclosures

Resolution No. 733

OPPOSE THE VA POLICY WHICH PROVIDES FOR THE
EXCLUSIVE USE OF FLAT GRAVE MARKERS

WHEREAS, the VA has adopted the policy of the exclusive use of flat grave markers in our national cemeteries for the purpose of reducing procurement, installation and maintenance costs; and

WHEREAS, flat grave markers may only be properly and effectively employed in such climatic regions where they will not become buried in snow or otherwise rendered inaccessible, and where the type of ground does not provide an adequate foundation to sufficiently support an upright marker; and

WHEREAS, flat grave markers do not present the orderly and appropriately martial appearance of comrades in arms standing shoulder to shoulder as do upright markers and as preferred by the Veterans of Foreign Wars; and

WHEREAS, the policy of providing flat markers exlusively deprives veterans and their dependents of their due right to choice and that this policy is therefore prejudicial in the extreme; now, therefore

BE IT RESOLVED, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that the policy of providing flat grave markers exclusively be immediately discontinued and that all national cemeteries be apportioned, with due consideration to climate and regional preferences, so that both upright and flat markers may be provided as dictated by the veteran's or his or her dependent's request; and

BE IT FURTHER RESOLVED, that all flat markers employed in national cemeteries perforce of the above listed VA policy now be subject to the election of upright markers and that if such an election is made that it be implemented with alacrity and with no expense or inconvenience for the elector.

Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

Resolution No. 733

Resolution No. 625

TO PROVIDE FOR AN OPEN NATIONAL CEMETERY IN EVERY STATE

WHEREAS, there are many states and regions of the United States without an open National Cemetery facility; and

WHEREAS, Federal and State land ideally suited for cemetery development is available in many states; and

WHEREAS, veterans should be entitled to burial in a National Cemetery reasonably close to their homes; and

WHEREAS, VA's current policy of regionalization does not always assure that eligible deceased veterans can be interred close to their families; now, therefore

BE IT RESOLVED, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we support legislation to provide for at least one open National Cemetery in each state to assure that all veterans may be buried in a National Cemetery reasonably close to their homes.

Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

Resolution No. 625

Resolution No. 732

OPPOSE THE USE OF 4' X 8' GRAVE SITES IN NATIONAL CEMETERIES

WHEREAS, the VA has adopted the policy of burying veterans and their dependents in 4' x 8' grave sites, and that this reduction in size from the 5' x 10' plot was implemented in order to save space in the limited available national cemeteries; and

WHEREAS, the 5' x 10' grave site is the narrowest plot which will permit sequential excavation as used in the national cemetery service; and

WHEREAS, when upright grave markers are erected sequentially on 4' x 8' grave sites there is the esthetically offensive effect of creating the appearance of a solid wall of stone; and

WHEREAS, grave markers must be placed on disturbed earth when erected on the 4' x 8' grave site totally precluding the use of upright markers due to the consequent severe sinking and tilting; and

WHEREAS, flat grave markers placed on these smaller grave sites are also subject to sinking and tilting resulting in a esthetically displeasing appearance and increased maintenance cost; and

WHEREAS, the use of the 4' x 8' grave site precludes third and fourth interments resulting in increased costs and the waste of valuable space; now, therefore

BE IT RESOLVED, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we seek the immediate discontinuance of the use of 4' x 8' grave sites and the restoration of the 5' x 10' grave site in our national cemeteries.

Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

Resolution No. 732

Resolution No. 624

RESTORE BURIAL BENEFITS

WHEREAS, The Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, eliminated entitlement to burial benefits for most veterans as a cost-savings measure; and

WHEREAS, the payment of the $300 burial and funeral expense allowance was preserved only for those veterans who were in receipt of compensation and pension at time of death (and for those who would have been in receipt of compensation except for being in receipt of retired pay or deemed entitled if evidence at time of death supported that determination); now, therefore

BE IT RESOLVED, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we vigorously support measures currently being undertaken in Congress to restore entitlement to burial benefits to all wartime veterans.

Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

Resolution No. 624

CORRESPONDENCE

Veterans Administration

AUG 11 1982

In Reply Refer To: (08)

Mr. Gardner L. Hutchins
County Administrative Officer
Stanislaus County
P.O. Box 3404
Modesto, CA 95354

Dear Mr. Hutchins:

The Veterans Administration proposes to establish a new national cemetery within the next 3-4 years in the San Francisco Bay Area of California. Our design and construction plans for the national cemetery are subject, of course, to Congressional approval and funding. Toward this end, we are now attempting to identify County-owned tracts of land 300-400 acres that could be made available to the Veterans Administration at no cost. The tracts should be topographically suitable (i.e. slopes of 3-20%) and preferably of agricultural quality.

Your assistance is requested, therefore, in the identification of county-owned tracts of land within or close to the 50-mile radius area of Livermore, California, shown on the map enclosed, that meet the general size, suitability and availability criteria mentioned above.

Your cooperation in this vital Veterans Administration program is most appreciated.

Sincerely,

W. A. SALMOND
Assistant Deputy Administrator
for Construction

Enclosure

DISTRIBUTION
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FINANCE X COUNSEL —
AUDITOR — AGRICULTURE —

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AUG 16 1982
STANISLAUS COUNTY
CHIEF ADMINISTRATIVE OFFICER

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Burns
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Kingman
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Bishop
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Mono Lake
Death Valley
Tonopah
Ely
Elko
Winnemucca
Lovelock
Fallon
Carson City
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Auburn
Placerville
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Corcoran
Tulare
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Sanger
Selma
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Lindsay
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Ivanhoe
Farmersville
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Delano
Wasco
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Wasco
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Bakersfield
Kern
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Mojave
Rosamond
Lancaster
Palmdale
Victorville
Barstow
Daggett
Yermo
Newberry Springs
Hinkley
Lucerne Valley
Apple Valley
Hesperia
Adelanto
Phelan
Pinon Hills
Wrightwood
Big Pine
Lone Pine
Independence
Bishop
Mammoth Lakes
June Lake
Mono Lake
Bridgeport
Walker
Coleville
Topaz
Gardnerville
Minden
Genoa
Carson City
Virginia City
Dayton
Fernley
Hawthorne
Tonopah
Goldfield
Beatty
Death Valley
Furnace Creek
Shoshone
Baker
Zzyzx
Kelso
Cima
Nipton
Searchlight
Laughlin
Bullhead City
Lake Havasu City
Parker
Blythe
Needles
Topock
Golden Shores
Kingman
Seligman
Peach Springs
Grand Canyon
Williams
Flagstaff
Winslow
Holbrook
Show Low
Pinetop
Lakeside
Snowflake
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Payson
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San Luis
Gadsden
Somerton
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Wellton
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Catalina
Green Valley
Sahuarita
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Amado
Arivaca
Sasabe
Three Points

STATEMENT OF CONGRESSMAN TONY COELHO (CALIF-15)

on

H. R. 755, to Establish a National Cemetery In Merced Co., Calif.

before the
Subcommittee on Housing and Memorial Affairs
House Veterans Affairs Committee
March 14, 1985

Mr. CHAIRMAN, members of the Subcommittee: As one who had the privilege of serving on the Veterans Affairs Committee during my first term in Congress, it is not without some nostalgia that I return to this room today.

I certainly appreciate very much your giving me this opportunity to speak in behalf of legislation to establish a critically needed national cemetery in Merced County, California. To be more precise, the cemetery would be located on some 400 acres of donated land in the small community of Santa Nella, near the San Luis Reservoir and Recreation Area, and not far from the town in which I was born and raised.

Since the land is also located in the 15th California Congressional District I now represent, my objectivity on the selection of a cemetery site may well be questioned. However, years before I was elected to Congress I was persuaded that this particular area would be unsurpassed as a final resting place for our nations's veterans. I was serving on the staff of my predecessor, Congressman B. F. Sisk, when in 1974, the VA conducted a search for land in California for one of its first regional cemeteries, and I had the opportunity to accompany VA officials on an inspection of several parcels of federal land surrounding the San Luis Reservoir.

Unlike the nearby privately-owned parcel available today, the land we saw more than 10 years ago was unsuitable for a cemetery. The incomparable beauty of the area has not diminished, however, nor has the strong support and encouragement of the citizens of Merced County. If anything, that support has increased with the years.

Within a short time after the Regional Cemetery at Riverside was opened nearly 10 years ago, it became increasingly apparent that another cemetery would be required to meet the needs of California's fast growing veteran population. Today it is generally acknowledged the need for a national cemetery in Northern California is now critical. The California Department of the VFW has given it the highest priority. Indeed, as early as 1982 the VA sought to identify county-owned tracts of land, 300-400 acres in size, within a 50 mile radius of Livermore, California. The main stipulation, however, was that the land be made available at no cost to the government. No offers were apparently forthcoming. But soon after, in early 1983, the VA was advised of generous offer by the Romero Ranch Company, to donate 350-400 acres of land for the cemetery, and an inspection of the site was conducted in May of that year.

Unfortunately, as we all know, time and time again the VA has delayed selection of a site for what obviously is an unrealistic hope of acquiring land in Alameda County which, unless a waiver is granted, would have to be purchased at the fair market value, variously estimated anywhere from $13 to $31 million.

I can certainly understand the desire of the VA's Chief Memorial Affairs Director to see that the new cemetery is accessible to the greatest number of veterans. I fully recognize that the Santa Nella site is not as convenient to the San Francisco area as

the Alameda/Camp Parks site. But the demographics of 1985 should not be the overriding consideration.

The Santa Nella site is, after all, reasonably accessible to the Bay Area. It is about 85 miles southeast of San Francisco and 45 miles outheast of San Jose. A non-rush hour car ride from San Jose takes only about an hour and a half, and from the San Francisco-Oakland Bay Bridge only two hours. Those familiar with the driving habits of Californians will understand that this is not at all considered unreasonable.

Furthermore, the Center for Continuing Study of the California Economy in Palo Alto has determined that among large cities in California, San Jose ranks third in total populaton growth since 1980. Santa Nella is also convenient to other centers of high population growth in the State, including Fresno and Modesto

Keep in mind that the new cemetery is projected to serve the veterans of Northern California until the year 2030. Thus, as populaton growth continues to move further and further south and east from the San Francisco area, the distance to San Luis diminishes for more and more veterans' families.

In the words of the VA's own experts, the parcel the Romero Ranch Company is willing to donate is "an ideal setting of privacy, dignity and serenity for a national cemetery." It is situated in an area of low-density development, adjacent to land dedicated to wildlife preservation and agricultural use. The other site is adjacent to two correctional facilities, near major road and public transportaton congestion, and in the middle of a well-populated area that is developing into an industrial-transportation park. In addition, the Santa Nella site is considerably larger--400 acres

compared to 150--and thus would meet the needs of Northern California veterans for a longer period.

To quote the Secretary of the California Department Commanders Veterans Council: "The veterans of this nation deserve a final resting place away from those who do not respect the laws of this nation They deserve a place of dignity--of quite repose." Clearly H. R. 755 would provide that.

Again, I want to thank the Chairman and members of the Subcommittee for taking the time to hear me. I am particularly grateful to you, Mr. Chairman, for the help and support you have given to this effort.

THE NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA

"STRENGTH IN UNITY"

Statement of
Richard W. Johnson, Jr.
Director of Legislative Affairs

before the

Subcommittee on Housing and Memorial Affairs
Committee on Veterans Affairs
U. S. House of Representatives

on

H.R. 755 and H.R. 757

March 14, 1985

NATIONAL CAPITAL OFFICE
219 N. Washington Street • Alexandria, VA 22314 • Tele: (703) 549-0311

Mr. Chairman, on behalf of the more than 250,000 associated members of the Non Commissioned Officers Association of the USA (NCOA), thank you for allowing our comments on the two mesures under consideration. NCOA appears today in strong support of both measures.

H.R. 757

The first bill, H.R. 757, contains two major provisions. If adopted, the first provision will require the VA to report to Congress annually on its plans for future construction in the National Cemetery System. The second major provision requires the VA to designate sections of National Cemeteries wherein upright markers may be used. Both are desirable goals.

Enactment of section one of the legislation will greatly enhance the ability of Congress and other interested parties to understand and act appropriately to meet the memorial needs of veterans. Specifically, section one requires the VA to provide annual reports on its five year cemetery construction plans along with a priority list of locations in which gravesites are needed. Additionally the legislation requires the submission of general plans to expand the regional cemetery concept into areas identified on the priority list.

At this point, NCOA recommends the legislation be amended to direct the VA to

consider another alternative in making such plans and these reports. It is the Association's belief that the VA should be required to consider and comment on the desirability and feasibility of aquiring state veterans cemeteries instead of creating new facilities in priority areas. While the Association recognizes that the aquisition of existing facilities may not be desirable or feasible in many areas, NCOA does not believe the possibility of aquiring an existing cemetery should be ignored.

Section two of the bill seeks to enact recommendations made last year requiring the VA to apportion cemeteries for the use of both upright and flat gravemarkers. Adoption of these provisions will allow for a choice of markers in National Cemeteries where such choice is not currently available. It will also modify current VA policy allowing only the use of flat markers in all newly constructed cemeteries.

As stated in testimony before this committee last year, NCOA continues to believe upright headstones offer greater visibility of uniformity and tradition than flat markers. The Association's preference has not changed. However, the Association also realizes upright markers are not preferred by all veterans. We also appreciate the VA's argument regarding increased costs associated with the use of upright markers. Accordingly, we view cemetery apportionment as an acceptable compromise, and support the legislation.

NCOA would like to take this opportunity to recommend the inclusion of another

provision in H.R. 757 relative to the placement of headstones supplied by the VA. As you know, current law allows the VA to supply gravemarkers for veterans buried in private cemteries at the request of the next-of-kin. The individual requesting the marker is responsible for paying any costs associated with placing it on the gravesite. These costs may vary from a few dollars to several hundreds of dollars, depending on cemetery requirements. In some cases the cemetery will collect this fee or a deposit before the marker is ordered. Still, a problem exists.

NCOA was recently approached and has agreed to pay for the placement of 36 headstones provided by the VA under this program. Some of the stones are more than ten years old. It is not our intention to suggest this is a widespread problem. In fact, the VA unofficially estimates that less than 100 of the more than 200,000 markers ordered each year are not placed. However, there are occasions where the next-of-kin is not available or is unable to pay the headstone placement cost.

Mr. Chairman, the Association is not concerned with how cemeteries are compensated for the placement of markers. We are concerned with making certain markers provided under this program are placed.

Current regulations require a cemetery official to certify the type of headstone or marker ordered by the veteran's next-of-kin will be suitable for placement. NCOA believes it would be appropriate to extend the certification

to include placement as well as suitability. The current certification states, "The headstone or marker of the type checked in item 10 will be permitted on the unmarked plot or grave of the named deceased." By changing the word "permitted" to "placed", cemetery official will be required to make some arrangments, compensated or otherwise, to insure the veteran's grave will be appropriately marked.

H.R. 755

Under the provisions of this legislation the Veterans Administration will be authorized to accept the donation of 350 acres of land from the Romero Ranch Company for use as a National Cemetery in northern California. The land, which NCOA understands is valued at more than $30 million, is located in Merced County and will provide an accessable National Cemetery to the 1.5 million veterans living in the San Francisco Bay area.

Currently, the nearest National Cemeteries open to new interments for casketed remains are located in Portland, Oregon and Riverside, California. Both of these facilities lack the proximity to conviently serve the large population located in the Bay area.

The Veterans Administration, realizing the deficiency, has requested $6 million in it FY 1986 budget to aquire land for a new cemetery in this area. NCOA believes it would be more reasonable to accept the donated land described in H. R. 755, assuming the land is suitable for use as a cemetery. Hopefully, the requested appropriation could then be used for the development of this site into an operating cemetery.

Conclusion

NCOA again thanks the committee for providing this forum for comment on these proposals. We commend the committee and its staff for the efforts that have been made to keep the National Cemetery System responsive to veterans' needs.

STATEMENT OF
RICHARD F. SCHULTZ
ASSOCIATE NATIONAL LEGISLATIVE DIRECTOR
DISABLED AMERICAN VETERANS
BEFORE THE
SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
OF THE
HOUSE COMMITTEE ON VETERANS AFFAIRS
March 14, 1985

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the more than 967,000 members of the Disabled American Veterans, may I say that we are most appreciative of this opportunity to present our views on legislation affecting the Veterans Administration's national cemetery system.

Initially, Mr. Chairman, the Disabled American Veterans wishes to commend you for the leadership role you have played and the commitment you have exhibited with respect to the VA national cemetery system under the jurisdiction of this Subcommittee.

Your efforts have brought meaningful improvement to the emotional, as well as practical needs of veterans and their survivors with respect to the final resting place of those who served in our nation's Armed Forces. For this, Mr. Chairman, the DAV is most grateful.

The DAV would also like to take this opportunity to publicly commend Mr. Paul T. Bannai, VA Director of Memorial Affairs, and his fine staff for their stewardship of our national cemetery system. In our opinion, the Department of Memorial Affairs has

been consistent in taking action to open new national cemeteries and reopen those that have been previously closed.

With your permission, I shall now comment upon the subject legislation of today's hearing.

H.R. 755

Introduced on January 28, 1985, by yourself, Mr. Chairman, and Mr. Smith, Ranking Minority Member of this Subcommittee, H.R. 755 would direct the Administrator of Veterans Affairs to establish a national cemetery in Merced County, California, subject to the conveyance to the United States a tract of land consisting of approximately 350 acres in Merced County, California.

H.R. 757

Also introduced on January 28, 1985, by yourself and Mr. Smith, H.R. 757 proposes, through appropriate amendment of Title 38, U.S. Code, to provide for the orderly expansion of the national cemetery system.

Contained in this bill are provisions which would require the Administrator of Veterans Affairs to submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on construction and expansion of national cemeteries.

This report (as proposed) would contain:

1. a five year plan for construction and expansion of the national cemetery system;

2. a list, in order of priority, of the ten geographical areas in the United States in which the need for additional burial space for veterans is greatest; and

3. general plans (including projected costs, site location; and, if appropriate, necessary land acquisition) for each cemetery or proposed cemetery included in the five year plan and general plans for the expansion of the national cemetery system in each geographic area included on this list.

Under the terms of the bill, the first report would be submitted not later than July 1, 1985 or the end of the 30 day period beginning on the date of enactment, whichever is later.

H.R. 757 would also amend Section 1004(c), Title 38, U.S. Code to require that markers on graves of all persons who died after September 30, 1985 be upright, with the exception that if the person being buried (or the survivor or legal representative of such person) has requested a flat marker, the interment shall take place in a cemetery section set aside for graves with flat markers and a flat marker shall be used.

Also, during the period beginning on October 1, 1985 and ending December 31, 1985, the Administrator of Veterans Affairs may waive provisions calling for upright and flat grave markers in cemeteries where there are no sections set aside for such grave markers.

Finally, H.R. 757 would require, not later than January 1, 1986, the Administrator of Veterans Affairs to designate for each cemetery in the national cemetery system a section in which graves shall be marked with upright markers and a section for graves marked with flat markers.

* * *

Mr. Chairman, our organization, in accordance with a resolution adopted by the delegates to our most recent National Convention, believes that expansion of the national cemetery system should be based on a policy which contains the ultimate goal of providing at least one open national cemetery in each state. It is our impression that the current expansion of the system is based on the VA's philosophy that one national cemetery should be constructed and available for interments in each of the ten designated federal regions and Washington, D.C. area.

Mr. Chairman, the DAV holds the view that the regional concept of expansion is too restrictive and not realistically attuned to the long range aspects of our nation's veterans' burial needs.

When looking at the current VA national cemetery system, we note that there are 109 national cemeteries, including one in Puerto Rico and one scheduled to open in Ft. Mitchell, Alabama in October, 1986.

We also note that there are currently 62 open national cemeteries, 46 closed national cemeteries, with 11 more scheduled to close by 1994. There are 12 states with no national cemetery and six states where national cemeteries are closed to new interments. Simply stated, there are 18 (or 36%) of the 50 states that have no open national cemetery grave sites.

In this regard, Mr. Chairman, it is our firmly held view that veterans eligible for VA burial should have a final resting place relatively close to their home and family.

With respect to the pending bill H.R. 755, the DAV has no official position, as we have received no National Convention mandate from our membership. However, the establishment of a national cemetery in Merced County, California would assist in meeting the burial needs of veterans in that area.

As stated earlier, Mr. Chairman, we see a need to establish an open national cemetery system--one which provides for an open cemetery in every state. To accomplish this, we feel the Administrator of Veterans Affairs, in the five year plan called for in H.R. 757, should be specifically required to examine those states that do not have a national cemetery or have existing national cemeteries with no available grave sites.

Concerning the issue of grave markers, Mr. Chairman, we are in agreement with you that the current policy of the VA national

cemetery system to use only flat markers in national cemeteries is unfair to veterans and their survivors. As stated in our testimony before this Subcommittee on May 3, 1984, we believe veterans and their survivors should have a choice of markers which they believe appropriate to honor the memory of their loved ones.

We also realize the need to keep our national cemeteries as attractive as possible and, therefore, support the provision of H.R. 757 requiring the Administrator of Veterans Affairs to designate a section in each national cemetery for upright markers and a section for flat markers.

This concludes my testimony, Mr. Chairman. I again want to thank you and the Subcommittee for allowing us the opportunity to appear here today.

AMERICAN CEMETERY ASSOCIATION
Three Skyline Place, Suite 1111, 5201 Leesburg Pike
Falls Church, Virginia 22041 • (703) 379-5838

STATEMENT OF

STEPHEN L. MORGAN
EXECUTIVE VICE PRESIDENT
THE AMERICAN CEMETERY ASSOCIATION

BEFORE THE

SUBCOMMITTEE ON HOUSING AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

WITH RESPECT TO

H.R. 757
AND THE EXPANSION OF THE NATIONAL CEMETERY SYSTEM

MARCH 14, 1985

Mr. Chairman and Members of the Subcommittee:

The American Cemetery Association (ACA) is a national trade association which represents over 2,300 members including municipal, religious, non-profit and for-profit cemeteries. The ACA respectfully submits its views on the expansion of the National Cemetery System as proposed in Section 1 of H.R. 757 and requests that this statement be made part of today's hearing record.

When the National Cemeteries Act of 1973, P.L. 93-43, was enacted, this law represented a compromise in Congress whereby the Veterans Administration would establish a national cemetery in each of the ten federal regions. However, once this goal had been achieved, additional veterans cemeteries would be created only by those states desiring to establish state veterans cemeteries. To this end, Congress enacted a State Cemetery Grant Program through which the Veterans Administration awarded 50-50 matching grants to states making formal application to the VA and meeting all criteria established by the VA relating to this program.

In our view, H.R. 757, a measure which expands of the Naticnal Cemetery System, not only disregards the spirit and intent of P.L. 93-43, it also implicitly ignores critical factors which Congress originally recognized when passing the National Cemeteries Act of 1973. These factors are: 1.) the presumed "need" for additional national cemeteries, 2.) the astronomical and continuing costs of maintaining in perpetuity a huge Federal cemetery conglomerate, and 3.) less costly alternatives which better serve veterans and are less costly to American taxpayers.

The Presumed "Need" for Additional National Cemeteries

The Veterans Administration has over the years offered statistics to demonstrate that, based on current burial caseloads, many of the 109 cemeteries in the National Cemetery System are running out of space and will be closed to new interments in the next several years.

Today, the majority of veterans who served in the military are eligible for interment in a national cemetery provided only that they are discharged under conditions other than dishonorable. Federal cemeteries were first established during the Civil War for the practical necessity of burying battlefield casualties. That concept was enlarged through the years as a means to honor the veterans of war. Since 1945, Congress has been urged by various veterans' organizations to expand the number of government cemeteries partly because of the large numbers of military personnel who fought and died in World War II, the Korean and Vietnam conflicts.

While it may have been an honor at one time for a veteran to be interred in a national cemetery, we believe that the honor and prestige of this distinction has been severly diminished in recent times. Today, 43.3 million veterans and their eligible dependants are "entitled" to interment in national cemeteries regardless of their combatant or non-combatant status while in the service. We submit that this policy is chiefly responsible for increasing the VA's projected burial caseload for the future but this is not the sole reason.

According to the VA, there are no statistics to indicate the numbers of veterans who even desire interment in national cemeteries. This lack of data was confirmed by Mr. Paul T. Bannai, VA Chief Memorial Affairs Director, in his testimony before this subcommittee on October 2, 1984. Therefore, we strongly urge that any consideration for further expansion of the National Cemetery System be withheld until the VA can factually document both the need and the justification for providing this benefit to 43 million veterans and their eligible dependants in its present form.

The Astronomical Costs of Maintaining
in Perpetuity a Huge Federal Cemetery Conglomerate

In addition to the significant sums required to establish new national cemeteries, including the cost of administration maintenance buildings, roads, drainage system, etc., there is a considerable expense involved to perpetually maintain the gravesites and the aesthetic beauty of the cemeteries. It is important to recognize that maintenance costs tend to increase each year in response to labor, equipment and machinery expenses, as well as the general effects caused by inflation. To plan for new national cemeteries without careful consideration of future maintenance costs is an invitation for economic disaster, particularly in light of the budgetary dilemma Congress is facing today because of these types of never-ending Federal programs. Moreover, based upon past discussions with various VA officials, it is our impression that the VA has no current factual data on its actual cost of gravesite maintenance.

We strongly recommend to this Subcommittee that before any further consideration be given to the expansion of the National Cemetery System, this Subcommittee direct the VA to prepare and submit comprehensive studies detailing the maintenance costs of its cemeteries and the various components thereof. However, in order for such data to be meaningful, cost comparison studies with private-sector maintenance expenses must also be undertaken for Congress to have an accurate picture of the scope of the financial obligation that enactment of H.R. 757 will entail.

We also recommend that avenues be explored to fund VA cemeterial maintenance expenses other than by a continual annual appropriation of tax revenue. For example, virtually every state requires non-Federal cemeteries to trust a portion of the burial lot sale price into an irrevocable care fund, the income from which is to be used solely for the maintenance of the cemetery. In this manner, private-sector cemeteries can generate funds to meet their maintenance expenses in future years. We suggest that some variation of this principle be adapted for the National Cemetery System.

Furthermore, individual states are themselves keenly aware of the burden of future maintenance costs involved in veterans' cemeteries. In his October 2, 1984 testimony before this Subcommittee, Mr. Bannai commented that the State Grant Program was not as successful as anticipated because states have recognized the mounting financial drain entailed through ever-increasing maintenance expenses. We suggest that this crucial factor is not recognized in H.R. 757.

Less Costly Alternatives
Serve Veterans Better

When P.L. 93-43 was enacted, Congress recognized that the majority of veterans or their families would choose interment in religious or private cemeteries. To provide for an equality of benefits, a provision in this law established a burial plot allowance of $150.00 for these veterans.

Time has proven that Congress' assumption on veterans' preference was well-founded. For example, in fiscal year 1984 there were 47,021 interments in national cemeteries. This figure contrasts sharply with the 308,753 payments by the VA to veterans or their families who preferred interment in religious or private cemeteries. In other words, of the 355,774 veterans interments in 1984, 87% of these opted for burial in non-Federal cemeteries.

VA projections show that the caseload for the plot allowance will rise to 331,000 in fiscal 1985 and to 341,000 in fiscal 1986 (from 308,753 in FY 1984). The estimated number of interments in national cemeteries will only increase to 48,100 in fiscal 1985 and 51,000 in fiscal 1986 (from 47,021 in FY 1984). In the past, VA officials have contended that these figures show that more national cemeteries are needed. We submit that these figures prove that the less expensive burial benefit is in fact more popular among veterans and their families. This data is particularly significant when it is remembered that the level of the $150.00 plot allowance has not been increased since its creation in 1973 and no longer represents the average cost of a cemetery lot in the private sector.

It should also be noted that the eligibility requirements to obtain the plot allowance are more stringent than requirements for interment in a national cemetery as commented upon earlier. To quote from a recent VA press release, in order to obtain the plot allowance, a veteran must have been "entitled at the time of death to VA compensation or pension payments or died in a VA medical facility... or served during a war period, or was discharged or retired from service because of a disability which was incurred or aggravated in the line of duty."

The ACA recommends that just as the eligibility requirements for interment in national cemeteries should exclude non-combatant veterans, the restrictions on plot allowance eligibility should be revised to reflect the preference of veterans and the cost-savings obtained in providing this form of burial benefit.

In conclusion, the American Cemetery Association urges this Subcommittee to postpone serious consideration of H.R. 757 unless and until comprehensive and documented studies detailing the cost of operating an augmented National Cemetery System are supplied and alternate, less costly, options are explored.

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